

INTERNATIONAL INSTITUTE OF SPACE LAW
OF THE INTERNATIONAL ASTRONAUTICAL FEDERATION

INSTITUT INTERNATIONAL DE DROIT SPATIAL
DE LA FEDERATION ASTRONAUTIQUE INTERNATIONALE



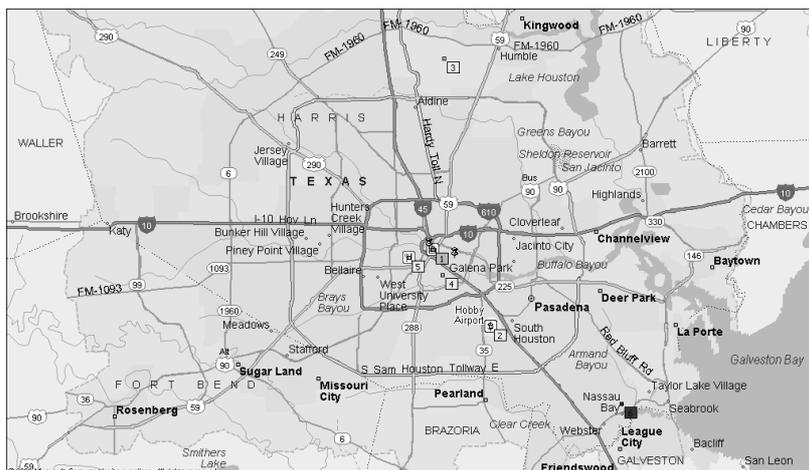
**11th MANFRED LACHS
SPACE LAW
MOOT COURT COMPETITION
WORLD FINALS 2002**

Thursday, 17 October 2002
3 p.m. to 6 p.m.

Lyndall Finley Wortham Theatre
University of Houston
Houston, Texas, USA

<http://www.spacemoot.org>

Houston, Texas



- 1: George Bush International (IAH) airport
- 2: Hobby (HOU) airport
- 3: George R. Brown Convention Center (GRB)
- 4: University of Houston (UH)
- 5: La Colombe d'Or restaurant (Cd'O)
- 6: NASA Johnson Space Center

FOR FURTHER READING ...

- ❖ World Space Congress: <http://www.aiaa.org/wsc2002>
- ❖ International Institute of Space Law: <http://iafastro-iisl.com/>
- ❖ IISL Moot Court: <http://www.spacemoot.org>
- ❖ International Astronautical Federation: <http://www.iafastro.com>
- ❖ UN Office for Outer Space Affairs: <http://www.oosa.unvienna.org>
- ❖ International Court of Justice: <http://www.icj-cij.org>

THE INTERNATIONAL INSTITUTE OF SPACE LAW

The International Institute of Space Law (IISL) was founded by the International Astronautical Federation (IAF) in 1960. The IISL replaced the Permanent Committee on Space Law, which the IAF had created in 1958 under the chairmanship of Andrew G. Haley. The current President is Dr. N. Jasentuliyana, Former Director of the United Nations Office for Outer Space Affairs. Since 1958, the IISL has held over 40 annual colloquia on space law in many nations. The IISL presently has elected individual and institutional members from more than 40 countries, who are distinguished by their contributions to or proven interest in the field of space law or other social science aspects related to space activities. While a component of the IAF, the IISL is authorized to function autonomously in accordance with its Statutes.

The purposes and objectives of the Institute include the cooperation with appropriate international organizations and national institutions in the field of space law, the holding of meetings, colloquia and competitions on juridical and social science aspects of space activities, the preparation or commissioning of studies and reports and the publication of books and proceedings.

The IISL holds annual Colloquia on the Law of Outer Space at the same time and place as the annual IAF Congresses, generally convened in October. Each Colloquium usually consists of four sessions whose topics are decided by the IISL Board well in advance of the conference dates. The Proceedings of these Colloquia are published annually by the American Institute of Aeronautics and Astronautics (AIAA) and can be ordered at <http://www.aiaa.org/store/> or via the links provided at the IISL website.

As the IAF is an officially recognized observer at sessions of the United Nations Committee on the Peaceful Uses of Outer Space and its Scientific & Technical and Legal Subcommit-

tees, members of the IISL are entitled to be designated IAF observers to those sessions.

The IISL has organized and presented many space law programs for the delegates and staff attending the annual session of the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) Legal Subcommittee. The programs deal with topical space law issues. The papers there presented are published in the IISL Proceedings (see above).

The governing body of the Institute is the *Board of Directors*, which consists of the President, Presidents Emeriti, two Vice-Presidents, Secretary, Treasurer and twelve other Members. The *General Assembly of Members* convenes once a year during the Colloquium. The *Secretariat* of the Institute is located at the IAF Headquarters in Paris. To discharge responsibilities set out in the IISL Statutes, various permanent and *ad hoc* Committees are established, such as the Standing Committee on the Status of International Agreements Relating to Activities in Outer Space.

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PHOTO BOARD OF DIRECTORS?

THE COMPETITION

The Manfred Lachs Space Law Moot Court Competition is organized annually by the International Institute of Space Law (IISL) of the International Astronautical Federation (IAF). The first competition was organized for law students from northern America by the Association of US Members of the IISL (AUSMIISL) during the first World Space Congress (WSC) held in Washington, D.C., U.S.A. in 1992. In 1993, the Competition was renamed after the late Judge Manfred Lachs, the previous President of the IISL, of the International Court of Justice and of the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS). In the same year, the Competition was also extended to include European students and in 2000, the Asia-Pacific Round was added. This year will be the 11th Competition.



The Manfred Lachs Trophy

Regional competitions are organized each year around April in Europe, the USA and in the Asia-Pacific. The winning teams of the three regional rounds meet in the international final rounds, which are held in conjunction with the annual IISL Colloquium on the Law of Outer Space. The Final Round is traditionally judged by three Members of the International Court of Justice. This unique feature makes the Lachs Moot

one of the most prestigious moot court competitions in the world.

The competition is in the form of a hypothetical dispute before the International Court of Justice. The Problem is always written by a Member of IISL, upon invitation by the Organizing Committee for the moot court competition, alternating between the 3 regions (USA, Europe, Asia-Pacific). Official Rules of the Competition have been formulated by the IISL Board of Directors, and Regional Rounds have to comply with these, although deviations may be agreed for practical purposes. Participating teams are required to submit a formal written argument called a Brief for both the Applicant State and the Respondent State on the legal issues in the hypothetical case. The teams compete in Preliminary Rounds at which they present Oral Arguments in the case before panels of three judges. During these rounds, each team of two speakers has a total of 45 minutes to present their arguments. Briefs and Oral Arguments each carry a weight of 50% towards the total score of a team. At the end of the Preliminary Rounds, the three winners move on to the Final Rounds. The costs of the airfares and accommodation for the teams are traditionally sponsored by the Association of US Members of the IISL (AUSMIISL), the European Centre for Space Law (ECSL) and the National Space Development Agency of Japan (NASDA), respectively. Teams are allowed to revise their Briefs before they have to resubmit them for the Final Rounds. The team with the highest average score for its Applicant and Respondent Briefs moves on to the Final, while the two other Teams first meet in a Semi-Final.

The 11th Manfred Lachs Space Law Moot Court Competition will be held this year in Houston, Texas, at the occasion the second World Space Congress. The Semi-Final is a Closed Session on 15 October at Houston's George R. Brown Convention Center. The Final is a public event on **Thursday 17 October**, hosted by the **Blakely Advocacy Institute of the University of Houston Law Center**, and will take place at the **Lyndall Finley Wortham Theatre** on campus.

PROGRAM

1:00 & 2:00 PM		Bus transportation from the Congress' George R. Brown Convention Center* to the University of Houston Wortham Theatre*
		Free parking available in lot 16B (UH entrance 16)
2:55	PM	All guests to be seated
3:00	PM	Start of the Finals
5:30	PM	Announcement of the winning team and remittance of awards
6:00	PM	End of competition
		Bus transportation from University of Houston's Wortham Theatre* to the Congress' George R. Brown Convention Center*
		Bus transportation from the University of Houston's Wortham Theatre* to La Colombe d'Or restaurant* (for invited guests only)
6:30	PM	Reception and dinner <u>reserved for IISL members and special guests</u>
10:00	PM	End of dinner
		Bus transportation to major Congress hotels for dinner guests

** see front and back cover page for addresses, maps, transport and parking information*

SUMMARY OF THE PROBLEM

The Case Concerning International Liability Utopia v. Friendlistan

Spaceliner Inc., a private company incorporated in the State of Utopia, operates a fleet of transportation vehicles for both passengers and cargo to and from the International Space Station (ISS) and several points on the surface of the Earth. Its services are preferred by passengers traveling between different cities on the Earth as Spaceliner can reach its destination on the other side of the globe within an hour by passing through both air space and outer space. Utopia is a developing country and had procured foreign financial support for Spaceliner Inc. Believing in total privatization and deregulation, Utopia adopts a hand-off policy towards Spaceliner Inc. and does not carry insurance, nor does it require Spaceliner Inc. to obtain an airworthiness certificates for its transportation vehicles. Under an agreement with the State of Equatorian, Utopia mandated Spaceliner to image remotely certain areas of Friendlistan when a Spaceliner passes over Friendlistan territory. Friendlistan, a rich and strong space-faring nation, objected to such imaging because the areas to be imaged were possibly highly profitable mining areas.

One day a Spaceliner vehicle commenced its journey with 40 individuals on board, out of which 30 were space tourists. While the Spaceliner was over Friendlistan territory, a Friendlistan Air Force station lit a laser beam illuminating the Spaceliner in an attempt to frustrate the capturing of imagery. Consequently, electronic equipment on board the Spaceliner malfunctioned and caused the Spaceliner to be unstable. The Captain of the Spaceliner decided to begin its journey back to Earth. On its way back it hit Milsat, a private remote sensing (reconnaissance) satellite belonging to an Equatorian company (whose majority shares were owned by the nationals of Friendlistan). Milsat was declared dead and its

owners had to declare bankruptcy. Also, on its way back, Spaceliner collided with and destroyed the Stationary High Altitude Relay Platform (SHARP) belonging to a company based in a country which is a colony of Friendlistan. SHARP was unmanned lightweight platform, circling at an altitude of 20 kilometers, was a fuel-less platform powered by microwave energy transmitted from a ground station. At the time of collision, SHARP was relaying television signals under a very profitable contract. Due to its serious inability to navigate, the Captain lost total control and the Spaceliner ditched within the Utopian territorial waters. Consequently, the Spaceliner had sunk in water and everyone had died.

In its action against Friendlistan, Utopia requests the International Court of Justice, to declare that (1) Friendlistan has violated international law by objecting to Utopia and Spaceliner Inc. in carrying out of remote sensing activities and thereafter illuminating the Spaceliner by laser beam which resulted in the on-board malfunctions of its electronic equipment; and (2) Friendlistan is liable under international law to adequately compensate Utopia for the loss of the Spaceliner vehicle, its crew and passengers. On the other hand, Friendlistan asks the Court to declare that (1) Friendlistan is entitled under international law to take unilaterally all precautionary measures to protect its vital interests and (2) Utopia is responsible and liable under international law for the destruction of Milsat and SHARP and thus must adequately compensate for the loss suffered by the Friendlistan shareholders of Milsat and by the operators of SHARP.

PARTICIPANTS IN THE THREE REGIONAL ROUNDS

- In the USA:*** Georgetown University, Washington DC
University of North Carolina, North Carolina
Hamline University, Minnesota
University of Mississippi, Mississippi
Golden Gate University, San Francisco
University of St. Thomas, Miami
Valparaiso University, Indiana
- In Europe:*** Università degli studi di Padova, Italy
Université de Paris I, France
Université de Paris Sud, France
University of Granada, Spain
University of Lüneburg, Germany
University of Warwick, UK
- In the Asia Pacific:*** Bond University, Australia
Chulalongkorn University, Thailand
Jawaharlal Nehru University, India
Monash University, Australia
National University of Singapore, Singapore
Sophia University, Japan
University of Canterbury, New Zealand
University of New South Wales, Sydney, Australia
University of Queensland, Australia
University of Technology Sydney, Australia
University of Tokyo, Japan

ORGANIZERS AND CONTACT DETAILS OF THE REGIONAL ROUNDS

In the USA: Milton (Skip) Smith, SSMITH@sah.com

In Europe: Alberto Marchini,
Alberto.Marchini@esa.int

In the Asia Pacific: Ricky J. Lee, ricky@myoffice.net.au

THE THREE WINNERS OF THE REGIONAL ROUNDS COMPETING IN THE FINAL ROUNDS

From the USA:

Georgetown University Law Center, Washington DC, USA

Vicky Williams, Kelly Gable, and Petra Vorwig as alternate.

Coach: Kathryn Thomas

Advisor: Paul Larsen

From Europe:

University of Warwick School of Law, Coventry, UK

Sethu Nandakumar and Sagee G. Sasikumar

Coach: Ben Chigara

From the Asia Pacific:

University of New South Wales, Sydney, Australia

Victoria-Anne Davidson, Caroline Ang, and Johanna

O'Rourke as alternate

Coach: Steven Freeland

JUDGES FOR WRITTEN BRIEFS

Ms. Joann Clayton-Townsend, National Academy of Sciences (retired), USA

Dr. Peter van Fenema, McGill Institute of Air and Space Law, The Netherlands/Canada

Prof. Armel Kerrest de Rozavel, University of Brest, France

Ms. Martha Mejia-Kaiser, Independent researcher, Mexico

Prof. Leighton Morris, Monash University, Australia

Dr. Sylvia Ospina, Consultant in international telecoms/space law, USA/Colombia

JUDGES FOR SEMI FINALS

Prof. Joanne Gabrynowicz, University of Mississippi, USA

Prof. Ram Jakhu, McGill University, Canada

Dr. Ernst Fasan, Austria

JUDGES FOR FINALS

H.E. Judge Abdul Koroma, International Court of Justice

H.E. Judge Thomas Buergenthal, International Court of Justice

H.E. Judge Nabil Elaraby, International Court of Justice

AWARDS IN THE FINAL ROUNDS

Winning team:

- * Manfred Lachs Trophy on display at winning school until next competition
- * Permanent Commemorative Plaque
- * Certificates to team members

Runner-up:

- * Permanent Commemorative Plaque
- * Certificates to team members

2nd Runner-up:

- * Permanent Commemorative Plaque
- * Certificates to team members

Best Oralist:

- * Sterns and Tennen Award for Best Oralist: \$250.00
- * Trophy Plate and Certificate

Best Written Brief:

- * Eilene M. Galloway Award for Best Written Brief: \$400
- * Permanent Trophy Plate to School
- * Certificates to team members

All participants in the Finals:

- * Invitation to attend the IISL Dinner on 17 October at “La Colombe d’Or”
- * Invitation to attend the IAF Gala Banquet on Friday 18 October

SPONSORS
THE 11th MANFRED LACHS
SPACE LAW MOOT COURT COMPETITION
WORLD FINALS 2002

Continental Airlines
<http://continental.com/corporate>

University of Houston Law Center
Blakely Advocacy Institute
<http://www.law.uh.edu/blakely/main.html>

Fulbright & Jaworski, L.L.P.
<http://www.fulbright.com>

Thompson & Knight L.L.P.
<http://www.tklaw.com/TKLAW.nsf/Welcome>

South Texas College of Law
<http://www.stcl.edu/>

Locke Liddell & Sapp, L.L.P.
<http://www.lockeliddell.com>

United Space Alliance
<http://www.unitedspacealliance.com>

Ball Aerospace Technologies Corp.
<http://www.ball.com/aerospace>

King & Spalding
<http://www.kslaw.com>

Mr. Jeffrey Maclure
IISL Member

Intelsat
<http://www.intelsat.com>

Inmarsat Limited
<http://www.inmarsat.org>

Lockheed Martin Space Operations
<http://smss.houston.external.lmco.com>

Milbank Tweed, Hadley & McCloy L.L.P.
<http://www.milbank.com>

Latham & Watkins
<http://www.lw.com>

Leventhal, Senter & Lerman P.L.L.C.
<http://www.lsl-law.com>

Dr. Eilene Galloway and Prof. Jonathan Galloway
IISL Members

Mr. Peter Nesgos
IISL Member

Dr. Milton "Skip" Smith
IISL Member

Dr. Leslie Tennen
IISL Member

The Honorable Ambassador Edward Finch
IISL Member

Mrs. Lee Morse Love
IISL Member

Ms. Joann Clayton-Townsend
IISL Member

Baker Hughes
<http://www.bakerhughes.com>

Organizations that supported the regional rounds and sponsored travel and accommodation of the winning teams

Association of US Members of the IISL, AUSMISL
European Centre for Space Law, ECSL
<http://edms.esrin.esa.it/ecsl>

National Space Development Agency of Japan, NASDA
http://www.nasda.go.jp/index_e.html

National Aeronautics and Space Administration, NASA
<http://www.nasa.gov/>

IMPORTANT INFORMATION

George R. Brown Convention Center (GRB)

1001 Avenida de las Americas

Houston, Texas 77010

Telephone: (713) 853-8000

Website: <http://www.houstonconventionctr.com/>

Parking: privately owned surface lots all just a short walk from the convention center

University of Houston (UH)

Lyndall Finley Wortham Theatre

Entrance 16 Off Cullen bvd, between Elgin and Wheeler bvd

Houston, Texas

Telephone: (713) 743-2929

Web: http://www.uh.edu/campus_map/buildings/WT.html

Parking: Reserved parking in lot 16B across from the Moores Opera House located behind the Wortham Theatre

La Colombe d'Or restaurant (Cd'O)

3410 Montrose Boulevard

Houston, Texas 77006

Telephone (713) 524-7999

Website: <http://www.lacolombedor.com/>

Parking: Valet parking available

Transportation:

Departing at 1 PM and 2 PM: special IISL/UH buses will pick up guests at GRB to transport them to UH Wortham Theatre.

Departing at 6 PM: special IISL/UH buses will pick up guests at the Wortham Theatre to transport them to GRB.

Departing at 6 PM: special IISL/UH buses will pick up guests at the Wortham Theatre to transport them to Cd'O.

Departing at 10 PM: special IISL/UH buses will pick up guests at Cd'O to transport them to specific Congress hotels.

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