

**INTERNATIONAL INSTITUTE OF SPACE LAW**  
OF THE INTERNATIONAL ASTRONAUTICAL FEDERATION

**INSTITUT INTERNATIONAL DE DROIT SPATIAL**  
DE LA FEDERATION INTERNATIONALE D'ASTRONAUTIQUE



**12<sup>th</sup> MANFRED LACHS  
SPACE LAW  
MOOT COURT COMPETITION  
WORLD FINALS 2003**

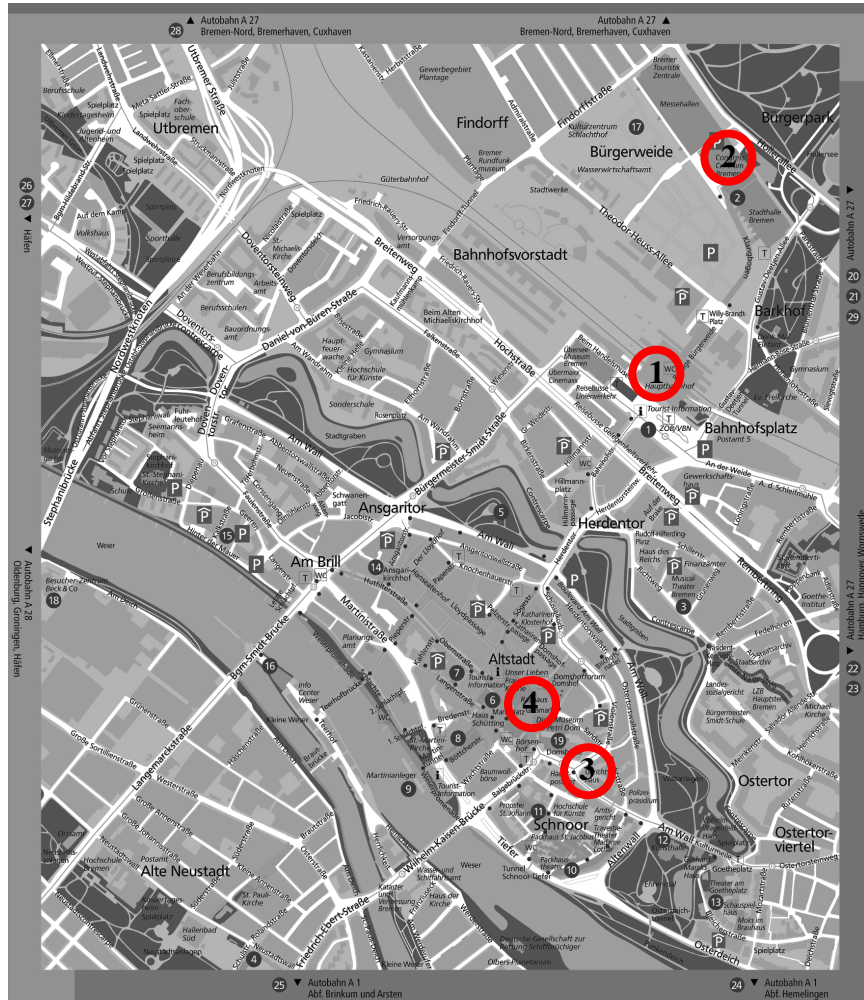
Thursday, 2 October 2003  
3 p.m. to 6 p.m.

Landgericht Bremen  
Bremen, Germany

*<http://www.spacemoot.org>*

# Bremen, Germany

- 1: Bremen main station
- 2: Convention Center
- 3: Landgericht Bremen
- 4: Restaurant "Bremer Ratskeller"



## **FOR FURTHER READING ...**

- ❖ International Astronautical Congress:  
<http://www.iac2003.org>
- ❖ 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.osa.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 Subcommittees, 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 14 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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## 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 12<sup>th</sup> 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 Institute of Space and Astronautical Science (ISAS) Japan, 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 12<sup>th</sup> Manfred Lachs Space Law Moot Court Competition will be held this year in Bremen, Germany. The Semi-Final is a **closed** session on 30 September 2003 at the Congress Centre. The Final is a public event on **Thursday 2 October, Landgericht Bremen** (Court of Appeal) in Bremen.



## PROGRAM

2:00 and 2:15 PM		Bus transportation from the Congress Center to the Landgericht Bremen
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
7:00	PM	Dinner at the restaurant* "Bremer Ratskeller" <u>reserved for IISL members / participants and special guests.</u> (*for invited guests only)
10:30	PM	End of dinner (exact time may change)  Bus transportation to major Congress hotels for dinner guests

## SUMMARY OF THE PROBLEM

### The Case Concerning the Mineral Exploitation of Boznêmcová and Related Incidents *Vesta v Ceres*

Ceres is an industrialized coastal State with a lunar colony, 'Lunar Ceresia'. Vesta is an agricultural landlocked State that also has a lunar colony, 'New Vesta'. The Ceresan Government supports the international campaign against terrorism, led by the United States since 2001. Vesta stayed neutral.

Boranatu was a Pacific island nation with a reputation as a tax haven; it no longer exists as a state, having been submerged by rising sea levels. Many Boranatuans have resettled in several countries, including Ceres and Vesta. Boranatuans are citizens of Vesta and Ceres and have renounced their Boranatu citizenship.

Astermine Aerospace Engineering, Inc. ('Astermine') was originally incorporated in Boranatu. Astermine is the largest Ceresan space industry and operates as a registered foreign corporation there. Astermine is subject to regulation as if it were a local company. It is taxed for profits derived from activities in Ceres. Its R&D funding is partly derived from Ceres' National Aeronautics and Space Research Agency ('NASRA'). Vestan private interests own 100% of Astermine.

In 2026, a world shortage of palladium prompted Astermine to plan mining operations on Boznêmcová. It began the construction of a robotic mining facility spacecraft with solar panels and a rechargeable chemical battery. The *Boznêmcová Miner's* propulsion system was a mixture of chemical thrusters and a newly developed nuclear engine designed specifically for interplanetary systems.

Astermine engineers stationed on *ISS Gamma* constructed the *Boznêmcová Miner* in low Earth orbit with components launched from Earth. The components were constructed at Astermine's facilities in Ceres. The ground control facility was located in Vesta. The launch facility was in Serratis on territory leased to Ceres for 99 years. Astermine owned the launch facility, while the launch vehicle was Ceresan.

On 31 July 2028, launch BM-52 failed. Astermine's spacecraft lost communications with the ground control facility and plummeted into Botulisia, the capital of Vesta. The crash destroyed the Vestan Police & Justice Department and surrounding buildings, causing US\$638 million damage and the loss of 231 lives.

Outraged, the Vestan Government ordered a full investigation; Astermine cooperated. It emerged that the cause of failure was human error. Two mission control engineers were found negligent; both were Boranatuans. However, the spacecraft's trajectory was over Botulisia because the Vestan Airspace Command had provided Astermine with incorrect coordinates on its flight path clearance.

Convinced that the crash was a deliberate act of terrorism on the part of Boranatuans, Vesta sent troops to occupy the launch facility and detained staff. This forced Astermine to use an older launch facility in Ceres.

As a result the *Miner's* construction was delayed by two years, and orbital motion took the asteroid away from its optimal location. An additional \$32 million was spent to allow the *Miner* to reach its destination. The delay coincided with the discovery of large and previously unknown palladium deposits in South America. World palladium prices fell around 12% from prices projected at the time of the *Miner's* return.

Vesta demanded compensation from Ceres for the damage. After negotiations, Ceres paid US\$860 million *ex gratia* compensation to the Vestan Government, denied any liability to pay compensation under international law, and stated that this was 'full and final settlement' of any Vestan claims. In April 2030, 77% of the staff who had worked near the crash site had developed cancer. It transpired that the BM-52's payload was the *Boznêmcová Miner's* nuclear propulsion engine.

By April 2035, a further 534 people were diagnosed with cancer. Radioactivity caused property prices in Botulisia to plummet. Cleaning up took 4 months and cost US\$128 million. The devastation of Vesta's business sector caused the economy to go into recession. On 2 May 2036, a rocket-based missile hit and destroyed several buildings in Salmonella's business district and killed 1,016 people. Investigations found that the public activist group, Vestan Victims of Aster-

mine ('Astervic') was responsible for the attack. Vesta may have been indirectly financing Astervic operations, though it ceased funding it after the attack and condemned it.

Responding to what was seen as an act of state-sponsored terrorism, Ceres attacked Vestan watchtowers and border forts. It also destroyed the Vestan national communications satellite with laser technology, claiming that Vesta was using the satellite to plan an armed attack on Ceres. Both countries began stationing defensive installations along the border between Lunar Ceresia and New Vesta. The UN brokered a peace agreement between the countries, and Ceres removed its installations on the Moon. Vestan facilities remained.

Despite setbacks, the *Boznêmcová Miner* was completed in 2029 and arrived at Boznêmcová in 2032. The mining progressed in two stages: the first involved the extraction of ores; these were collected in large canisters that were fired back to Earth orbit. Once Boznêmcová became small enough in mass, the *Boznêmcová Miner* moved it from its orbit and migrated it to Earth orbit. The unused portions of the asteroid were used to produce concrete for the new Ceresan lunar colony. Many fragments remained in orbit, occasionally causing interference to Vestan satellite transmissions. This forced Vesta to move its satellites and install additional shielding to future satellites, significantly reducing their lifespan. There were also increased costs associated with constructing and launching replacement satellites.

**By Special Agreement**, Vesta and Ceres bring their dispute before the International Court of Justice.

**Vesta** seeks declarations that Ceres is liable to pay compensation for radiation damage & economic losses caused by the failure of the launch; that destruction of the communications system by space-based lasers was unlawful; and Ceres violated international law by destroying an asteroid.

**Ceres** seeks declarations that it is not liable for the launch failure; even if it were liable, liability was extinguished by the payment to Vesta, and in any event the heads of damage claimed are not recoverable; the destruction of the Vestan communications satellite system did not violate any applicable international legal principles; and the continuing presence of military facilities & installations in New Vesta is unlawful.

## **PARTICIPANTS IN THE THREE REGIONAL ROUNDS**

- In the USA:*** Georgetown University,  
Washington DC  
University of North Carolina,  
North Carolina  
Golden Gate University, California  
University of St. Thomas, Miami  
University of Virginia , Virginia  
Vanderbilt University, Tennessee  
Howard University, Washington DC
- In Europe:*** University of Leiden, the Netherlands  
University of Jaen, Spain  
University of Milan, Italy  
Univeristy of Warsaw, Poland  
University of Bremen, Germany
- In the Asia Pacific:*** China University of Politics and Law  
Chulalongkorn University ,Thailand  
National University of Singapore  
Sophia University, Japan  
Tsinghua University, China  
University of Auckland, New Zealand  
University of Malaya, Malaysia  
University of New South Wales,  
Australia  
University of Queensland, Australia  
University of Sydney, Australia  
University of Technology Sydney,  
Australia  
University of Tokyo, Japan  
University of Western Sydney,  
Australia

## ORGANIZERS AND CONTACT DETAILS OF THE REGIONAL ROUNDS

- In the USA:*** Milton (Skip) Smith,  
[SSMITH@sah.com](mailto:SSMITH@sah.com)
- In Europe:*** Alberto Marchini,  
[Alberto.Marchini@esa.int](mailto:Alberto.Marchini@esa.int)
- In the Asia Pacific:*** Ricky J. Lee,  
[asiapacific@spacemoot.org](mailto:asiapacific@spacemoot.org)

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

### ***From the USA:***

**Georgetown University Law Center, Washington DC, USA**  
Amanda Shafer, Petra Vorwig,  
and Melissa Beiting as alternate  
Coaches: Kelly Gable and Vicki Williams  
Advisor: Paul Larsen

### ***From Europe:***

**University of Bremen, Germany**  
Deirdre Ní Chearbhaill, Kamlesh Gungaphul,  
and Giorgi Kavtaradze as alternate  
Coach: Lesley Jane Smith

### ***From the Asia Pacific:***

**University of Auckland, New Zealand**  
Jesse Wilson and Isaac Hikaka  
Coach: Simon Mount

## **JUDGES FOR WRITTEN BRIEFS**

Prof. Joanne Gabrynowicz, University of Mississippi, USA

Prof. Alexis Goh, University of Western Sydney, Australia

Prof Francis Lyall, University of Aberdeen, Scotland UK

Prof V.S. Mani, Jawaharlal Nehru University, India

Ms. Martha Mejia-Kaiser, Independent researcher, Mexico

Prof. Maureen Williams, University of Buenos Aires, Argentina

## **JUDGES FOR SEMI FINALS**

Prof. Maureen Williams, University of Buenos Aires, Argentina

Prof. Stephan Hobe, University of Cologne, Germany

Ms. Marcia Smith, Congressional Research Service, USA

## **JUDGES FOR FINALS**

H.E. Judge Gilbert Guillaume, International Court of Justice

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

H.E. Judge Vladlen Vereshchetin,  
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

### **2<sup>nd</sup> Runner-up:**

- \* Permanent Commemorative Plaque
- \* Certificates to team members

### **Best Oralist:**

- \* Sterns and Tennen Award for Best Oralist: \$250
- \* 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 2 October at the "Bremer Ratskeller"
- \* Invitation to attend the IAF Gala Banquet on Friday 3 October



**SPONSORS**  
**THE 12<sup>th</sup> MANFRED LACHS**  
**SPACE LAW MOOT COURT COMPETITION**  
**WORLD FINALS 2003**

DLR - German Aerospace Center  
<http://www.dlr.de/>

EADS SPACE Transportation GmbH  
[http://www.astrium-si.com/flash/astrium\\_si\\_e\\_5.html](http://www.astrium-si.com/flash/astrium_si_e_5.html)

University of Bremen Law Faculty  
<http://www.jura.uni-bremen.de>

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

Association of US Members of the IISL, AUSMIISL

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

European Centre for Space Law, ECSL  
<http://edms.esrin.esa.it/ecsl>

Institute of Space and Astronautical Science, ISAS, Japan  
<http://www.isas.ac.jp/e/index.html>

## IMPORTANT INFORMATION

### **Congress Center (CC)**

Hollerallee 99  
D-28215 Bremen  
Telephone (0421) 3789-0  
Telefax (0421) 3789-600  
<http://www.maritim.de>  
Parking garage: Congress Center

### **Landgericht Bremen (LG)**

Gerichtshaus  
Domsheide 16  
D-28189 Bremen  
Telephone: (0421) 361-0  
<http://www.bremen.de/justizsenator/>  
Parking garage: Violenstr.

### **Ratskeller restaurant (RR)**

Bremer Ratskeller  
Am Markt  
D-28195 Bremen  
Telephone (0421) 321676  
<http://www.ratskeller.de>  
Parking garage: Violenstr.

Parking garage: Violenstr.



### **Transportation:**

Departing at 2 PM and 2.15 PM: special IISL buses will pick up guests at CC to transport them to LG.

Departing at 6 PM: it's only a very short walk from LG to RR dinner which starts at 7 PM (for invited guests only). Taxis on call for other attendants.

Departing at about 10.30 PM: special IISL buses will pick up guests at RR to transport them to specific Congress hotels.

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