26th Manfred Lachs Space Law Moot Court Competition 2017

WORLD FINALS

26 - 28 September 2017

Federal Court of Australia
Adelaide, Australia

http://www.iislweb.org/lachsmoot
National and Kapodistrian University of Athens, Greece

Winners of World Final 2016

Guadalajara, Mexico
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The International Institute of Space Law

Founded in 1960, the International Institute of Space Law (IISL) is an independent non-governmental organization dedicated to fostering the development of space law. The membership of the Institute is composed of individuals and institutions from more than forty countries elected on the basis of their contributions to the field of space law or other social sciences related to space activities. In addition, prospective membership is open to students and young professionals with a demonstrated interest in space law.

The purposes and objectives of the IISL include the promotion of further development of space law and expansion of the rule of law in the exploration and use of outer space for peaceful purposes, the holding of meetings, colloquia and competitions on juridical and social science aspects of space activities, the preparation or commissioning of studies and reports, the publication of books, proceedings, reports and position papers, and the cooperation with appropriate international organizations and national institutions in the field of space law.

The IISL holds an annual Colloquium at the International Astronautical Congress. During this Colloquium the Nandasiri Jasentuliyana Keynote lecture takes place, as well as a special session for Young Scholars. In addition the Institute organizes a variety of conferences on space law throughout the year in locations all over the world. It publishes an annual volume of IISL Proceedings with papers and reports of all activities during the year.

Since 1992, the IISL organizes the annual Manfred Lachs Space Law Moot Court Competition. The competition is based on a hypothetical space law case, written by IISL members, in which around sixty student teams from universities in North America, Europe, Asia Pacific and Africa participate. Members of the International Court of Justice judge the World Final of the competition, making it unique in the world.

The IISL 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.

Further information regarding the IISL can be found at www.iislweb.org.
President
Prof. Kai-Uwe Schrogl
(Germany)

Vice-President
Mr. K.R. Sridhara Murthi
(India)

Treasurer
Mr. Dennis J. Burnett Esq.
(United States)

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Dr. Marco Ferrazzani (Italy)
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Prof. Dr. Stephan Hobe (Germany)
Prof. Dr. Mahulena Hofmann (Czech Republic)
Ms Corinne Jorgenson (United States)
Dr. Martha Mejia-Kaiser (Mexico/Germany)
Prof. Dr. Sergio Marchisio (Italy)
Ms. Elina Morozova (Russia)
Prof. Lesley-Jane Smith (United Kingdom)
Dr. Milton “Skip” Smith (United States)
Prof. Dr. Maureen Williams (UK/Argentina)
Prof. Zhenjun Zhang (China)
Moot Court Committee 2016 - 2017:

Co-Chairs

Mr. Leslie I. Tennen Esq.
(United States)

Ms. Melissa K. Force, Esq.
(United States)

Members

Ms. Lulu Makapela
(South Africa)
Regional Organizer
for Africa

Prof. Melissa de Zwart
(Australia)
Regional Organizer
for Asia Pacific

Ms. Maria-Vittoria “Giugi” Carminati Esq.
(United States)
Regional Organizer
for North America
Prof. Sergio Marchisio  
(Italy)  
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Regional Organization

Prof. Dale Stephens  
(Australia)  
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Organizer

Mr. Nathan Johnson  
(United States)  
Associate Regional Organizer 
for North America

Mr. Kumar Abhijeet  
(India)  
Associate Regional Organizer for Asia

Mr. V. Gopalakrishnan  
(India)

Ms. Elina Moroziva  
(Russia)

Dr. Milton “Skip” Smith  
(United States)

Dr. Zhenjun Zhang  
(China)
Manfred Lachs was born in 1914 in Poland. He earned a Doctorate of Laws at the Cracow Jagiellonian University and held several academic positions in Austria and the United Kingdom, and later entered the world of diplomacy representing Poland.

After the shock of the Second World War, Manfred Lachs acted on behalf of his country at the Paris Peace Conference in 1946, took part in the Nuremberg tribunal and served as representative of Poland to the United Nations. Manfred Lachs is the only person in the UN history to have been elected three times as the Chairman of Committee VI (Legal) of the General Assembly.

Manfred Lachs chaired the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space and was deeply involved in the debates and drafting of the first multilateral space treaty, the Outer Space Treaty of 1967.

In 1967, at the age of 53, Manfred Lachs became the youngest elected judge of the International Court of Justice in The Hague and was re-elected twice for an unprecedented three terms on the Court. He also presided on the Court from 1973 to 1976.

Judge Lachs was President of the IISL from 1990 until his death in 1993. He authored many articles and books, among them ‘The Law of Outer Space: An Experience in Contemporary Law Making’ (1972), which the IISL re-published in 2010 to celebrate its 50th anniversary.

He may never have imagined that after his death his name would be used, with the permission of his family, for the space law moot court competition of the IISL and thus be remembered by so many space law students and other persons involved in the competition.
The Competition

The Manfred Lachs Space Law Moot Court Competition is organized annually by the International Institute of Space Law (IISL).

The first competition was organized for law students from North America by the Association of US Members of the IISL (AUSMIISL) during the first World Space Congress held in Washington, D.C., USA in 1992. One year later, the Competition was extended to include European students. In 2000, the Asia Pacific Round was added, and the African Region was inaugurated in 2011.

Preliminary competitions are held between April and June in each region. The winning teams of the regional rounds meet in the World Finals, which are held in conjunction with the annual IISL Colloquium on the Law of Outer Space. The Final Round is traditionally judged by three judges of the International Court of Justice. This unique feature makes the Manfred Lachs Moot Court one of the most prestigious moot court competitions in the world.

The competition is based on a hypothetical space law dispute before the International Court of Justice. The Problem is written by a Member of the IISL upon invitation by the Organizing Committee of the Competition, alternating between the different regions. The 2017 hypothetical Problem is entitled the “Case Concerning Lunar Facilities and Withdrawal from the Outer Space Treaty (Pervosk v Titan).” The Moot Problem presents issues relating to interference with the activities of states in the use of lunar resources and the resolution of the dispute under the principles of *ex aequo et bono*.

Regional Rounds must comply with the Official Rules for the Competition adopted by the IISL Board of Directors. Participating teams are required to submit a ‘Memorial’ as formal written arguments for both the Applicant State and the Respondent State on the legal issues of the hypothetical case.

In the regional Preliminary Rounds each team with two speakers presents Oral Arguments before panels of three judges. Memorials and Oral Arguments each carry a weight of 50% of the total score of a team. The four winning teams of the regional Preliminary Rounds move on to the Final Rounds.

The expenses of the teams taking part in the Final Rounds are borne by the Japan Aerospace Exploration Agency (JAXA), the European Centre for Space Law (ECSL), NASA, South African National Space Agency (SANSA) and the South African Department of Trade and Industry. Teams are allowed to revise their Memorials before they resubmit them for the Final Rounds. A panel of judges review and grade the Memorials, and the scores are used to determine the team pairings for the semi-finals oral arguments. These oral arguments are conducted in closed sessions before three judge panels, and the two winning teams qualify for the Final.

The 26th Manfred Lachs Space Law Moot Court Competition will be held in Adelaide, Australia. The Semi-finals will be conducted in closed sessions on Tuesday, 26 September 2017. The Final is a public event and will take place on Thursday 28 September, at the Federal Court of Australia, Adelaide, before a panel of Judges of the International Court of Justice in The Hague.
2017 African Regional Round, Pretoria, South Africa

2017 European Regional Round, Helsinki, Finland

Credit: Simona Spassova
Summary of the Problem

Case Concerning Lunar Facilities and Withdrawal From the Outer Space Treaty

(Perovsk v Titan)

Perovsk and Titan are neighboring republics enjoying more than 200 years of peaceful relations, a common language, and a shared cultural heritage. They nonetheless have very different economic values with Perovsk favoring individualism and laissez faire approaches while Titan favors social planning and various combinations of public and private cooperation in business and industry. Both countries signed and ratified the Outer Space Treaty, but only Titan did so for the Moon Agreement. In the mid 1970’s, Titan conducted two robotic missions to the Moon, Novum Organum-1 and Novum Organum-2 alighting on the Moon’s Sea of Tranquility and then resumed such missions in 2019 with the establishment there of a robotic lunar base named Mondiale.

The tradition of peaceful cooperation between Perovsk and Titan was expressed in the development of complementary niche specialization in the space sector. Perovsk excelled in launch and space based manufacturing while Titan specialized in spacecraft design, instrumentation and scientific research. Titan’s early missions to the Moon employed launch services from Perovsk as did its Mondiale mission. Titan’s own instrumentation supported a key objective of this latter mission which was to analyze the gas composition of the Moon’s tenuous atmosphere.

In the early 2020’s political pressure for more ambitious lunar missions grew in both countries. Perovsk was pressed to advance commercial applications while Titan was urged to undertake scientific ones. In this environment Perovsk pushed forward with plans to launch its own lunar station, named Tekla. That this station was to be operated by a private company, Fireskin Ltd., incorporated in Perovsk raised concerns in Titan about commercial exploitation of the Moon. The Tekla station was successfully landed on the Moon in January 2024. Later that year Fireskin augmented the Tekla station with the delivery of a mobile surveying unit capable of traveling as far as 20 km away and assessing the mineral content of lunar material. In 2025 Perovsk reported discovery of titanium ore in commercially interesting concentrations and, noting the presence near some of those discoveries of the distinctive tread pattern of the Titanite rover based at the Mondiale station, criticized Titan for having previously discovered concentrations of titanium ore without having reported them.
Stung by the criticism and fearful that Perovsk was about to set off a “colonialist gold rush” in space, some people in Titan asserted that hiding wealth that belonged to all humankind from “greedy entrepreneurs” was justified. In Perovsk serious discussions began about withdrawal from the Outer Space Treaty. Perovsk also increased its capacity to develop lunar material commercially by delivering a 3D printer to the Tekla Station. In 2025 they went even further, as Perovskite astronauts installed regolith processing equipment at three sites within range of Tekla’s mobile surveying unit. One of those sites was only 15 km away from Titan’s Mondiale Station. With tensions rising between Perovsk and Titan, in January 2026, Perovsk formally declared its intention to withdraw from the OST delivering the necessary documents to the depository states. In February 2027, Titan was concerned that Perovsk was setting up a major industrial facility on the Moon and that the processing of regolith was releasing trace amounts of oxygen interfering with the atmospheric research at Mondiale Station. Seeking more information, it sent its lunar rover on an inspection mission to the nearest of Perovsk’s processing units. During this mission a series of unanticipated events led to a collision that caused the processing unit to shut down. Nonetheless, the inspection confirmed that trace amounts of oxygen were being released from titanium rich ilmenite ore being processed at the site. Titan promptly demanded the dismantlement of Perovsk’s processing units and further accused Perovsk of despoiling the Novum Organum landing sites. Perovsk countered that Titan’s failure to share the results of its explorations on the Sea of Tranquility denied Fireskin information that it might have used to select different sites for its processing equipment. Wanting to preserve their tradition of peaceful coexistence, but unable to reach a negotiated settlement, Perovsk and Titan agreed to refer their disputes to the Court even providing an historic authorization for the court to consider some elements of the case under the principles of ex aequo et bono.

The 2017 Case was authored by Dr. Michael Simpson (United States) and Chris Johnson, Esq. (United States)
Participants in the Regional Rounds

Africa:

Makerere University, Kampala, Uganda
Obafemi Awolowo University, City of Ile-Ife, Nigeria
University of Juba, Juba, South Sudan
University of Nigeria, Nsukka, Nigeria
University of Pretoria, Faculty of Law, Pretoria, South Africa

Europe:

Belgorod State National Research University, Belgorod, Russia
International Institute of Air and Space Law, Leiden University, Leiden, The Netherlands
John Paul II Catholic University of Lublin, Lublin, Poland
Leuphana University, Lüneburg, Germany
National & Kapodistrian University, Athens, Greece
Peoples’ Friendship University of Russia, Moscow, Russia
Sapienza University of Rome, Rome, Italy
Tyumen State University, Tyumen, Russia
University of Genoa, Genoa, Italy
University of Helsinki (Law), Helsinki, Finland
University of Ljubljana, Ljubljana, Slovenia
University of Lodz (Law and Administration), Lodz, Poland
University of Luxembourg, Luxembourg, Luxembourg
University of Paris-Saclay, Paris, France
University of Vienna, Vienna, Austria
Participants in the Regional Rounds

North America:

Duke University, Durham, North Carolina, USA
Florida State University College of Law, Tallahassee, Florida, USA
Georgetown University Law Center, Washington D.C., USA
George Washington University, Washington D.C., USA
McGill University, Institute of Air and Space Law, Montreal, Quebec, Canada
New York University, New York City, New York, USA
Pepperdine University, Malibu, California, USA
St. Thomas University School of Law, Miami Gardens, Florida, USA
University of Arkansas - Little Rock, Little Rock, Arkansas, USA
University of Colorado, Boulder, Colorado, USA
University of Hawaii, William S. Richardson School of Law, Honolulu, Hawaii, USA
University of Michigan, Ann Arbor, Michigan, USA
University of Mississippi, School of Law, Oxford, Mississippi, USA
Universidad Sergio Arboleda, Bogotá, Colombia
University of Nebraska College of Law, Lincoln, Nebraska, USA
University of Nevada - Las Vegas, Las Vegas, Nevada, USA
Participants in the Regional Rounds

Asia Pacific:

Bandung Islamic University Indonesia, Bandung, Indonesia
Beijing Institute of Technology, Beijing, China
Catholic University of Atma Jaya, Jakarta, Indonesia
Chanakya National Law University, Patna, India
China University of Political Science and Law (CUPL), Beijing, China
City University of Hong Kong, Hong Kong
Civil Aviation University of China, Tianjin, China
College of Legal Studies, University of Petroleum and Energy Studies (UPES), Dehradun, India
Dr. Ram Manohar Lohiya National Law University, Lucknow, India
Gujarat National Law University, Gandhinagar, India
Indian Law Society Law College (ILS), Pune, India
National Law School of India University (NLSIU), Bangalore, India
Institute of Law, Nirma University, Ahmedabad, India
Jindal Global Law School, Sonipat, India
Murdoch University, Perth, Australia
NALSAR University of Law, Hyderabad, India
National Law University, Delhi, India
National Law University Jodhpur, India
National Law University, Odisha, Cuttack, India
National University of Advanced Legal Studies (NUALS), Kochi, India
National University of Singapore, Singapore, Singapore
Shanmugha Arts, Science, Technology & Research Academy (SASTRA University), Thirumalaisamudram, India
School of International Relations, Tehran, Iran
Shahid Beheshti University, Tehran, Iran
Soongsil University, Seoul, South Korea
Symbiosis Law, India School, Pune, India
The WB National University of Juridical Sciences, Kolkata, India
Universitas Islam Indonesia, Yogyakarta, Indonesia
Universitas Padjadjaran, Bandung, Indonesia
Universitas Trisakti, Jakarta, Indonesia
University of Adelaide, Adelaide, Australia
University of Hong Kong, Hong Kong
University of Karachi, Karachi, Pakistan
Zhongnan University of Economics and Law, Wuhan, China
2017 North American Regional Round
Washington D.C., United States

2017 Asia Pacific Regional Round, Adelaide, Australia
2017 Winners of the Regional Rounds

Africa:

University of Pretoria, Pretoria, South Africa
Students: Ms. Ruvimbo Samanga and Ms. Tebello Moseou
Faculty Advisor: Prof. Sewela Masie

Asia Pacific:

National Law School of India University, Bangalore, India
Students: Mr. Sharan A. Bhavnani, Ms. Hrishika Jain, and Mr. Karan Dhalla
Faculty Advisor: Prof. Kunal Ambasta

Europe:

National and Kapodistrian University of Athens, Greece
Students: Ms. Yvonni-Kyriaki Vastaroucha, Ms. Iliana Griva, and Ms. Pelagia-Ioanna Ageridou
Faculty Advisor: Prof. George D. Kyriakopoulos
Faculty Advisor Assistant: Ms. Giolena Exarchou

North America:

University of Mississippi, Oxford, Mississippi, USA
Students: Ms. Alexia Boggs, Mr. Kyle Hansen, Mr. Kent Aldenderfer
Faculty Advisor: Prof. Dr. Andrea Harrington
Judges for the World Finals

Judges for the Final

H.E. Judge James Richard Crawford, International Court of Justice
H.E. Judge Kirill Gevorgian, International Court of Justice
H.E. Judge Kenneth Keith, Former Member, International Court of Justice

Judge Crawford  Judge Gevorgian  Judge Keith

World Final 2003, Bremen, Germany
Judges for Semifinals

For Oral Pleadings

Prof. Henry Hertzfeld (United States), Professor, George Washington University, Washington, D.C., USA
Prof. Mahulena Hoffman, (Czech Republic), SES Chair in Satellite Communication and Media Law, University of Luxembourg, Luxembourg
Dr. Ranjana Kaul (India), Partner at Dua Associates, New Delhi, India
Dr. Seidu Onailo Mohammed (Nigeria), Director General of the National Space Research and Development Agency (NASRDA), Abuja Nigeria
Dr. Elina Morozova (Russia), Head of International and Legal Service, Intersputnik, Moscow, Russia
Prof. Yun Zhao (China), Head of Department of Law, The University of Hong Kong, China

For Memorials

Dr. Ulrike M. Bohlmann (Germany), Administrator of Strategy Department, European Space Agency, Paris, France
Prof. Melissa deZwart (Australia), Dean of Law, University of Adelaide, Adelaide, Australia
Lusani Nelufule Mugivhi (South Africa), Senior Legal Counsel at Council for Scientific and Industrial Research (CSIR), Johannesburg, South Africa
Rosa Maria Ramirez de Arellano y Haro (Mexico), Coordinator General of International Affairs and Space Security, Mexican Space Agency, Mexico City, Mexico
Dr. Milton ‘Skip’ Smith, Esq. (United States), Partner at Sherman & Howard LLC, Colorado Springs, Colorado, USA
Prof. Dale Stephens (Australia), Professor, University of Adelaide, Australia
Dr. Lotta Viikari (Finland), Professor, University of Lapland, Rovaniemi, Finland
Adv. Phetole Patrick Sekula (South Africa), South African Council for Space Affairs, Pretoria, South Africa
World Final

3:00 p.m.  Depart from the Adelaide Convention Centre to Federal Court - Federal Court attendees must allow sufficient time to proceed through security

3:45 p.m.  All guests to be seated.
Introduction by Melissa K. Force, Co-Chair, Lachs Moot Court Committee
Reading of the problem

4:00 p.m.  Oral Arguments

5:30 p.m.  Deliberations

6:00 p.m.  Announcement of the winning teams and presentation of awards

6:30 p.m.  Departure to IISL Dinner at the Mortlock Chambers, State Library of South Australia
(Registered guests only)

IISL Annual Dinner

7:00 pm  Drinks at the Treasurer’s Wall, Mortlock Chambers, State Library of South Australia

8:00 p.m.  IISL Annual Awards Dinner at the Mortlock Chambers, State Library of South Australia

10:30 p.m.  Bus transport back to the Adelaide Convention Centre and hotels
Awards for World Finals

Winning Team

Presentation of Lachs Trophy
Lee Love Award for Best Team
Commemorative Plaque
Certificates to team members

Runner-up

Commemorative Plaque
Certificates to team members

Participants in Semifinals

Commemorative Plaque
Certificates to team members

Best Memorials

Eilene M. Galloway Award for Best Memorials
Trophy Plate to School
Certificates to team members

Best Oralist

Sterns and Tennen Award for Best Oralist
Trophy Plate to School
Certificate to Winner

All Student Participants in the Finals

Law books donated by Eleven International Publishing
Law books donated by Brill/Nijhoff
Law books donated by Springer
AWARDS

DR. EILENE M. GALLOWAY (1906-2009) was a legend in the fields of space policy and space law, having been instrumental in the formation of the National Aeronautics and Space Administration (NASA). From 1941-1975, she worked for the U.S. Congress as a staff member of the Legislative Reference Service (later the Congressional Research Service) and was called upon by then-Senate Majority Leader Lyndon B. Johnson to advise him on how to respond to the Soviet Union’s launch of Sputnik 1 on October 4, 1957. She assisted Senator Johnson as well as then-Speaker of the House John McCormack in crafting the National Aeronautics and Space Act, which created NASA. She accompanied Senator Johnson to the United Nations when he represented the United States in recommending creation of what is now known as the Committee on the Peaceful Uses of Outer Space (COPUOS). She was an official observer at COPUOS from 1970-1994. She was a founding member of the IISL, its Vice President (1967-1979), and an Honorary Director (1979-2009). She also helped establish Section 4 (Social Sciences) of the International Academy of Astronautics (IAA). She received many awards, but was especially proud of the Andrew G. Haley Gold medal that she received from the IISL in 1968. The Galloway Award is sponsored by Ms. Marcia S. Smith.

MRS. LEE M. LOVE was a pioneer in reporting on United Nations’ efforts to ensure the peaceful uses of outer space for over 40 years. She wrote about the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) from its early days. Her personal relations were so close with committee members that she became one of the very few people who was able to host receptions with delegates from both the United States and the former Soviet Union in informal settings to promote understanding during the Cold War years. By the time she left the U.N., Lee had covered man’s flights into space and the moon and reported on arguments over who owned the rights to outer space, seas and satellite orbits. She attended the annual International Astronautical Congress all over the world and was member of the International Institute of Space Law. The Lee Love Award for members of the winning team in the Manfred Lachs space law moot court competition, which she supported and attended each year with immense pleasure and interest, was established in her honour by her family and is sponsored by the Matthew and Lee Love Foundation. She passed away in 2008.

PATRICIA M. STERNS & LESLIE I. TENNEN. In 1997, five years after the competition started, Patricia Sterns and Les Tennen of the Law Offices of Sterns and Tennen, in Phoenix, Arizona, proposed that an award be presented to the best oralist of the World Final. The Board of Directors accepted this proposal, together with their offer to sponsor the award, which has since become eponymous. Patricia and Les have been active members of the Institute and have participated in IISL colloquia for more than three decades. Patricia served as a Judge Pro Tem of the Maricopa County Superior Court, and after serving as a member of the Board, was elected as an Honorary Director of the IISL. Les currently serves as Co-Chair of the Moot Court Committee and as Legal Counsel for the International Academy of Astronautics, He was appointed to two terms as a Commissioner on the Arizona Space Commission, and is a former member of the Board of Directors of the IISL.
THE MANFRED LACHS TROPHY

On permanent display, International Court of Justice
The Hague, The Netherlands
CONTACT DETAILS

REGIONAL ROUNDS

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NORTH AMERICA:
LACHSMOOT-NORTHAMERICA@IISLWEB.ORG

ADDRESSES

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+61 8 8212 4099

WORLD FINAL OF THE MOOT COURT COMPETITION:
Courtroom Number 1, Federal Court of Australia, 3 Angas Street
Adelaide SA 5000, Australia

IISL DINNER:
Mortlock Chambers, State Library of South Australia, Corner North Terrace & Kintyre Avenue, Adelaide SA 5000
Australia+61 8 8207 7250

World Final 2007, Hyderabad, India
Sponsors of Regional Winning Teams

North American Team:

European Team:

Asia Pacific Team:

African Team:

Additional Sponsors

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- Secure World Foundation
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Further Reading

- **BRILL/NIJHOFF PUBLISHERS**:  
  www.brill.nl
- **DTI SOUTH AFRICA**:  
  www.dti.gov.za
- **Eleven International Publishing**:  
  www.elevenpub.com
- **European Centre for Space Law (ECSL)**:  
  www.esa.int/specials/ecl
- **European Space Agency (ESA)**:  
  http://www.esa.int/esa
- **Excalibur Almaz**:  
  www.excaliburalmaz.com
- **International Astronautical Federation**:  
  www.iafastro.org
- **International Court of Justice**:  
  www.icj-cij.org
- **International Institute of Space Law (IISL)**:  
  www.iislaw.org
- **Japan Aerospace Exploration Agency (JAXA)**:  
  www.jaxa.jp
- **Manfred Lachs Space Law Moot Court**:  
  www.iislaw.org/lachsmoot
- **NASA**:  
  www.nasa.gov
- **South African National Space Agency**:  
  www.sansa.org.za
- **Secure World Foundation**:  
  www.secureworldfoundation.org
- **Springer**:  
  www.springer.com

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**IISL**:  
https://twitter.com/iisl_space