

INTERNATIONAL INSTITUTE OF SPACE LAW



27th Manfred Lachs

Space Law Moot Court

Competition 2018

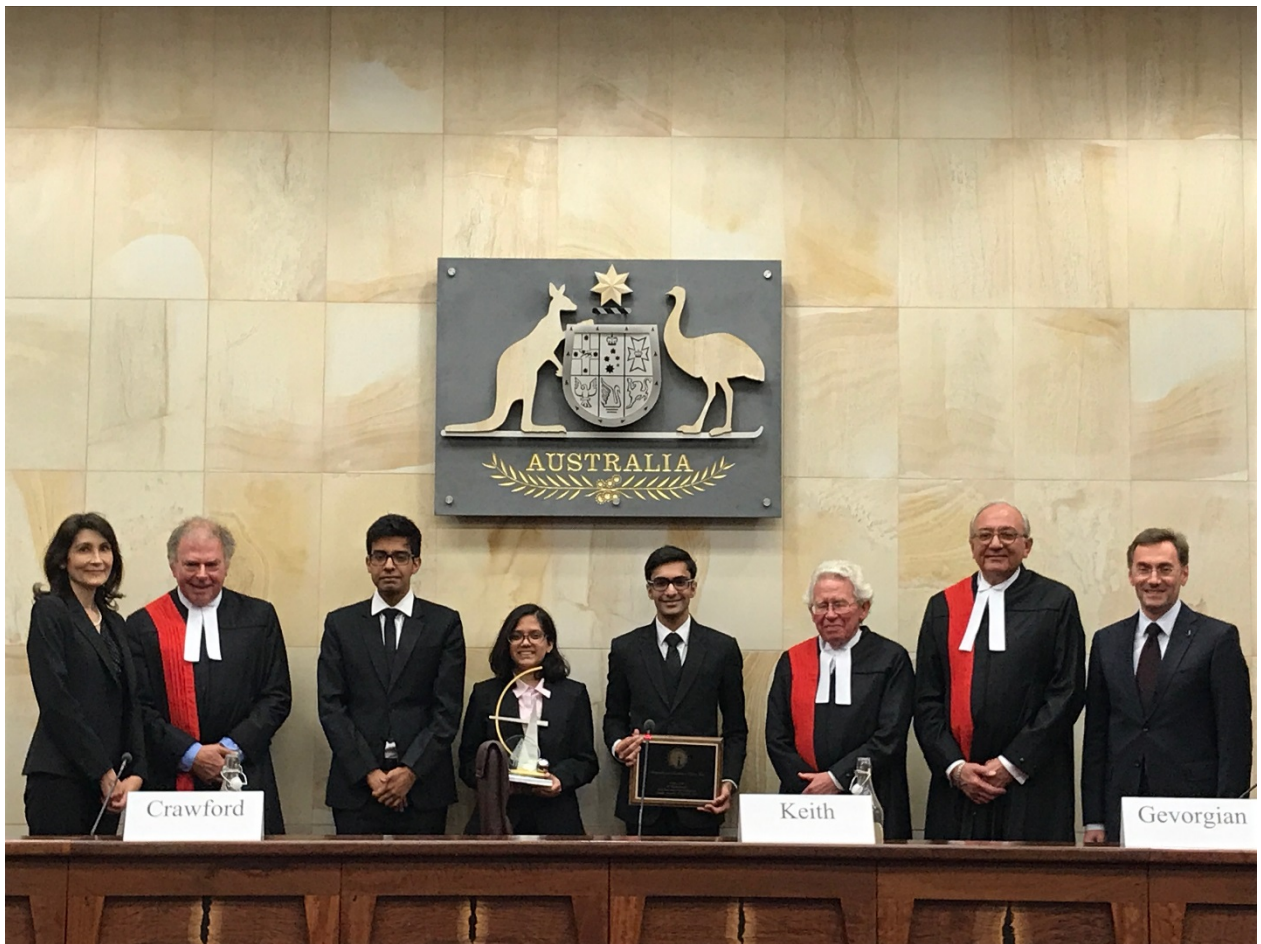
WORLD FINALS

4 October 2018

Landgericht Bremen

Bremen, Germany

<http://www.iislweb.org/lachsmoot>



National Law School of India University,
Bangalore, India

Winners of World Final 2017

Adelaide, Australia

Contents

The International Institute of Space Law	1
Board of Directors	2
Moot Court Committee	5
Judge Manfred Lachs.....	7
The Competition	8
Summary of the Problem.....	11
Participants in the Regional Rounds	13
2018 Winners of the Regional Rounds	16
Judges for the World Finals	20
Judges for Semifinals.....	21
Awards for World Finals	23
Contact Details	26
Sponsors	27
Further Reading.....	29

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.

Board of Directors



President
Prof. Kai-Uwe Schrogel
(Germany)



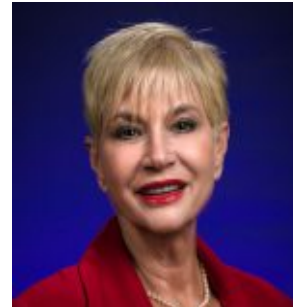
Vice-President
Mr. K.R. Sridhara Murthi
(India)



Vice-President
Prof. Setsuko Aoki
(Japan)



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



Executive Secretary
Asst. Prof. Dr. Diane Howard
(United States)



2018 Board of Directors



Directors

Prof. Dr. P.J. Blount (United States)

Prof. Dr. Frans von der Dunk (The Netherlands)

Dr. Marco Ferrazzani (Italy)

Prof. Dr. Steven Freeland (Australia)

Prof. Joanne I. Gabrynowicz (United States)

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. Dr. Lesley-Jane Smith (United Kingdom)

Dr. Milton "Skip" Smith (United States)

Prof. Dr. Maureen Williams (UK/Argentina)

Prof. Zhenjun Zhang (China)

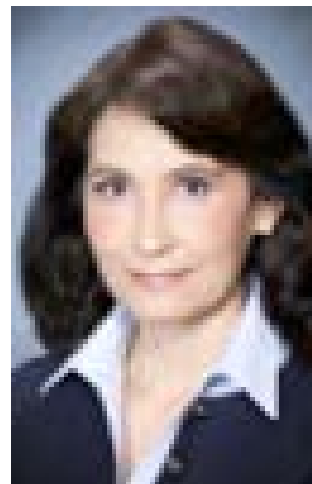
Moot Court Committee 2017 - 2018:



Chair
Dr. Milton L. "Skip" Smith
(United States)



Co-Chair
Mr. Leslie I. Tennen, Esq.
(United States)



Co-Chair
Ms. Melissa K. Force, Esq.
(United States)

Members



Ms. Nomfuneko Majaja
(South Africa)
Regional Organizer for
Africa



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



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



Prof. Sergio Marchisio
(Italy)
ECSL Chairman
Regional Organization



Prof. Dale Stephens
(Australia)
Asia Pacific Co Regional
Organizer



Ms. Elina Morozova
(Russia)



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



Mr. V. Gopalakrishnan
(India)



Dr. Zhenjun Zhang
(China)

Judge Manfred Lachs

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.



Judges Manfred Lachs, Stephen M. Schwebel and Gilbert Guillaume with Milton "Skip" Smith (left to right), in the first IISL Moot Court Competition, Washington, D.C. 1992

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 2018 hypothetical Problem is entitled “Cyber Attack and Liability Issues (Neapilia v. Kalvion).” The Moot Problem presents issues relating to Neapilia’s intervention with the environment on Mars which negatively affects Kalvion’s mining operations on the planet, which prompts unilateral cyber actions by Kalvion.

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 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 27th Manfred Lachs Space Law Moot Court Competition will be held in Bremen, Germany. The Semi-finals will be conducted in closed sessions on Tuesday, 2 October 2018. The Final is a public event and will take place on Thursday, 4 October, at the Bremen Landgericht (the State of Bremen Courthouse), before a panel of Judges of the International Court of Justice in The Hague.



2018 African Regional Round, Pretoria, South Africa



2018 Asia-Pacific Regional Round, Adelaide, Australia



2018 European Regional Round, Lisbon, Portugal



2018 North American Regional Round, Washington, D.C., USA

Summary of the Problem

Case Concerning Cyber Attack and Liability Issues (Neapilia v. Kalvion)

Authored by Dr. Marco Ferrazzani and Dr. George D. Kyriakopoulos

This case concerns activities in outer space carried out in parallel by two States, planetary protection, and outer space security. It describes how one State's (Neapilia) intervention on the environment of Mars, in order to create favorable conditions for human settlements, negatively affects another State's (Kalvion) mining operations on the same planet. Kalvion seeks international support through recourse to international fora and to the United Nations. As these initiatives prove to be fruitless, Kalvion decides to undertake unilateral cyber actions in order to effectively protect its interests. Such intervention finally prevents Neapilia's plans to create a hospitable environment on the Red Planet. As it was not possible for Neapilia and Kalvion to resolve their dispute through amicable means, the case is brought before the International Court of Justice. The claims of the Parties refer to the lawfulness of their respective activities in outer space, under space law and international law, as well as to liability issues for damages mutually caused.

Submissions to the Court:

Neapilia requests the Court to adjudge and declare that:

1. Kalvion's actions constituted an unlawful cyber-attack against Neapilia, contrary to international law and to the peaceful uses of outer space;
2. Kalvion is liable for the economic loss of the commercial settlement programme; and
3. Neapilia is not liable for the cessation of Kalvion's mining activities on Mars.

Kalvion requests the Court to adjudge and declare that:

1. Kalvion's action preventing the operations of the OptronRay orbital mirrors was a lawful, non-aggressive, necessary act to defend its access to space resources and to ensure the protection of Mars' environment;
2. Kalvion is not liable for any damage relating to the interruption of Neapilia's commercial settlement programme; and
3. Neapilia is liable for the cessation of Kalvion's mining activities on Mars.



Finalists

World Final 2017
Adelaide, Australia

Participants in the Regional Rounds

Africa:

Obafemi Owolowo University from Nigeria
Makerere University from Uganda
UNISA from South Africa
University of Pretoria from South Africa

Europe:

University of Lisbon
Nova Law School
Université Libre de Bruxelles
St. Petersburg University
Peoples Friendship University of Russia
Belarus State University
University of Lodz
Kingston University
University of Luxembourg
University of Ljubljana
University of Helsinki
University of Leiden
University of Vienna
University of Wroclaw
University of Orebro
MIGMO University
University of Genoa
University of Paris Sud
University of Sapienza
Leuphana University
Sofia University

North America:

Florida State University
Louisiana State University
George Washington University Law School
Georgetown University Law Center
University of Hawaii William S. Richardson School of Law
University of Nebraska College of Law
University of Mississippi
New York University School of Law
McGill University - Institute of Air and Space Law
J. Reuben Clark Law School (BYU)
St. Thomas University School of Law
University of Michigan Law School
University of California, Berkeley School of Law
Texas Tech University School of Law
Colorado Law
University of Notre Dame Law School
William and Mary Law School
Osgoode Hall Law School (York University)

Asia Pacific:

The teams that participated for the competition are as follows (those in bold have qualified for the Oral Round).

School of Law, Raffles University
Institute of Law, Nirma University
The University of Adelaide
City University of Hong Kong
ILS Law College Pune
National University of Singapore
Symbiosis Law School, Pune
Kyoto University
National Law School of India University
International Christian University
West Bengal National University of Juridical Sciences
Gujarat National Law University
Chanakya National Law University
National Law University, Delhi
School of International Relations
National Law University, Jodhpur
The National University of Advanced Legal Studies, Kochi
Keio University
Wuhan University
National Law Institute University
China University of Political Science and Law
National Law University Odisha
O.P. Jindal Global University
Dr. Ram Manohar Lohiya National Law University, Lucknow
Beijing Institute of Technology (BIT)
Government Law College, Mumbai, Maharashtra
Symbiosis Law School Hyderabad

2018 Winners of the Regional Rounds

Africa:

University of Pretoria, South Africa

Students: Simon Botha and Simon Motshweni

Faculty Advisor: Ruvimbo Samanga

Faculty Advisor Assistant: Lawrence John Maralack



2018 African Winning Team

Asia Pacific:

Symbiosis Law School, Pune (India)

Students: Malay Srivastava, Shraddha Dubey and Someny Singhal

Faculty Advisor: Priya Sondhi



2018 Asia-Pacific Winning Team

Europe:

Belarusian State University (Belarus)

Students: Daria Bohdan and Elena Lavrenova

Faculty Advisor: Ekaterina Kouznetsova

Faculty Advisor Assistant: Tatsiana Ziniakova



2018 European Winning Team

North America:

Louisiana State University (USA)

Students: Zach Miller and Max Roberts

Faculty Advisor: Jeff Brooks

Faculty Advisor Assistant: Annie Scardulla



2018 North American Winning Team

Judges for the World Finals

Judges for the Final

H.E. Judge Hanqin Xue, (China) Vice President, International Court of Justice

H.E. Judge Peter Tomka, (Slovakia) International Court of Justice

H.E. Judge Kirill Gevorgian, (Russian Federation) International Court of Justice



Judge Xue



Judge Tomka



Judge Gevorgian



World Final 2003, Bremen, Germany

Judges for Semifinals

For Oral Pleadings:

Asst. Prof. Tanja Masson-Zwaan (Netherlands), International Institute of Air and Space Law, Leiden University, and President Emerita, IISL

Prof. Joanne Irene Gabrynowicz (United States), Emerita Univ. of Mississippi, Editor-in-Chief Emerita, Journal of Space Law

Adv. Icho Kealotswe-Matlou, Advocate of the High Courts of South Africa and Botswana. Johannesburg Society of Advocates, South Africa

Prof. K R Sridhara Murthi, Adjunct Professor, National Institute of Advanced Studies, and Vice President, IISL

José Monserrat Filho jose.monserrat.filho@gmail.com

Marco Ferrazzani Marco.Ferrazzani@esa.int

George Kyriakopoulos yokygr@gmail.com

Sumara M. Thompson-King sumara.m.thompson-king@nasa.gov

For Memorials:

Prof. Melissa deZwart, Dean of Law, University of Adelaide, Adelaide, Australia

Adv. Phetole Sekhula, Pretoria Society of Advocates, Pretoria, South Africa

Dr. Marco Ferrazzani, Legal Counsel of the European Space Agency, Paris, France

Chuck Dickey, Deputy General Counsel, Lockheed Martin Space, Sunnyvale, California, United States

Ms. Lusani Nelufufule-Mugivhi, Acting Group Manager: Legal Services, Council for Scientific and Industrial Research (CSIR), Pretoria, South Africa

Dr. Catherine Doldirina, Legal Counsel, D-Orbit SpA, Italy

Prof. Steven Freeland, Dean School of Law and Professor of International Law, Western Sydney University, Australia

Dr. George D. Kyriakopoulos, Assistant Professor of International Law, School of Law, National and Kapodistrian University of Athens, Greece



World Final

- 1:45 p.m. Depart from the Bremen Convention Centre to Hanseatic Federal Court of Bremen
Court attendees must allow sufficient time to proceed through security
- 2:45 p.m. All guests to be seated.
- 3:00 p.m. Introduction by Dr. Milton L. "Skip" Smith, Chair, Lachs Moot Court Committee
Summary of the problem
- 3:15 p.m. Oral Arguments
- 4:45 p.m. Deliberations
- 5:15 p.m. Announcement of the winning team and presentation of awards
- 5:45 p.m. Bus Departure to IISL Awards Dinner at the Meierei Restaurant, Bürgerpark Bremen (Registered guests only)

IISL Annual Dinner

- 6:00 pm Arrival and welcome drinks at the Meierei Restaurant, Bürgerpark Bremen
- 6:30 p.m. All Guests arrived at the Meierei Restaurant, Bürgerpark Bremen
- 6:45 p.m. IISL Annual Awards Address (Part 1), Balcony, Meierei Restaurant
- 7:15 p.m. Seating
- 7:30 p.m. Dinner
- 8:45 p.m. IISL Annual Awards Address (Part 2) during desert
- 9:30 p.m. Close-out drinks, tea, coffee
- 10:30 p.m. Bus transportation back to the Bremen 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

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

Runner-up

Commemorative Plaque Certificates to team members

Participants in Semifinals

Commemorative Plaque Certificates to team members

All Student Participants in the Finals

Law books donated by:

Brill/Nijhoff

Eleven International Publishing

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 four 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 IISL notes with sadness the passing of Patricia this year. She is sorely missed.

THE MANFRED LACHS TROPHY

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



Contact Details

REGIONAL ROUNDS

AFRICA:

LACHSMOOT-AFRICA@IISLWEB.ORG

ASIA PACIFIC:

LACHSMOOT-ASIAPACIFIC@IISLWEB.ORG

EUROPE:

LACHSMOOT-EUROPE@IISLWEB.ORG

NORTH AMERICA:

LACHSMOOT-NORTHAMERICA@IISLWEB.ORG

ADDRESSES

INTERNATIONAL ASTRONAUTICAL CONGRESS 2018:

Bremen, Germany

<https://www.iac2018.org>

WORLD FINAL OF THE MOOT COURT COMPETITION:

Landgericht Bremen

Ostertorstr. 25-31, 28195 Bremen

IISL DINNER:

Meierei Restaurant, Bürgerpark Bremen



World Final 2007, Hyderabad, India

Sponsors of Regional Competition

North America - Secure World Foundation, the Space Foundation, NASA, Lockheed Martin, EchoStar, and Maxar Technologies

Europe - Vieira de Almeida (VdA), VdA Academia, Jurisnova; Portuguese Aeronautics, Defence and Space Cluster; Portuguese Bar Association, ECSL, Nova School of Law and ESA

Asia-Pacific - The Sir Ross and Sir Keith Smith Fund

Africa –

Sponsors of Regional Winning Teams

North American Team:



Europe Team:



Asia Pacific Team:



Africa Team:



Additional Sponsors of International Competition



Promoting Cooperative Solutions for Space Security



BRILL | NIJHOFF



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](http://WWW.ESA.INT/ESA)
- EXCALIBUR ALMAZ
WWW.EXCALIBURALMAZ.COM
- INTERNATIONAL ASTRONAUTICAL FEDERATION:
WWW.IFASTRO.ORG
- INTERNATIONAL COURT OF JUSTICE:
WWW.ICJ-CIJ.ORG
- INTERNATIONAL INSTITUTE OF SPACE LAW (IISL):
WWW.IISLWEB.ORG
- JAPAN AEROSPACE EXPLORATION AGENCY (JAXA):
WWW.JAXA.JP
- MANFRED LACHS SPACE LAW MOOT COURT:
WWW.IISLWEB.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



LACHS MOOT: WWW.FACEBOOK.COM/SPACEMOOT



LACHS MOOT: TWITTER.COM/SPACELAWMOOT



IISL: WWW.FACEBOOK.COM/SPACELAW



IISL: [HTTP://WWW.LINKEDIN.COM/GROUPS?GID=124057&TRK=MYG_UGRP_OVR](http://WWW.LINKEDIN.COM/GROUPS?GID=124057&TRK=MYG_UGRP_OVR)



IISL: [HTTPS://TWITTER.COM/IISL_SPACE](https://TWITTER.COM/IISL_SPACE)