

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

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



**14<sup>th</sup> MANFRED LACHS  
SPACE LAW  
MOOT COURT COMPETITION  
WORLD FINALS 2005**

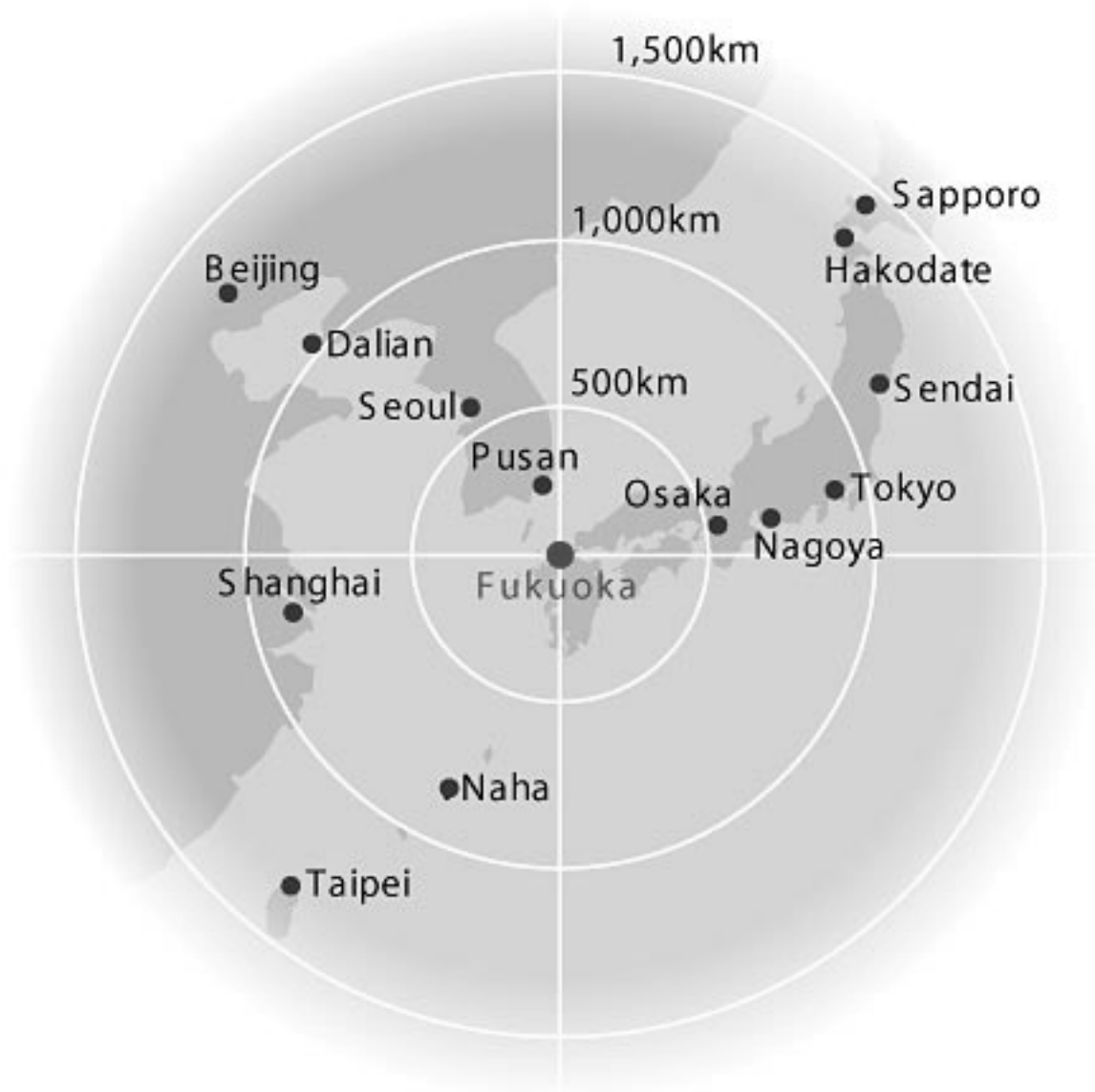
Thursday, 20 October 2005  
3 p.m. to 6 p.m.

Seinan Gakuin University  
Fukuoka, Japan

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



# *Fukuoka, Japan*



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

- ❖ International Astronautical Congress:  
<http://www.iac2005.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.oosa.unvienna.org>
- ❖ International Court of Justice:  
<http://www.icj-cij.org>
- ❖ Seinan Gakuin University  
<http://www.seinan-gu.ac.jp/>

## **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.

Since 1958, the IISL has held almost 50 Colloquia on space law in many nations, the Proceedings of which are published by the American Institute of Aeronautics and Astronautics. The Institute also publishes a bi-annual Newsletter.

The IISL 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.

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.

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.

In cooperation with the European Centre for Space Law (ECSL), the IISL organizes an annual space law symposium for the delegates and staff attending the annual session of the UN COPUOS Legal Subcommittee in Vienna, Austria. The programs deal with topical space law issues, and the papers presented are published in the IISL Proceedings.

Since 2001, the IISL holds regional conferences in addition to

the annual Colloquia. The first of these was held in Singapore in 2001, the second in April 2004 in Beijing, China, and the third in June 2005 in Bangalore, India. A fourth regional conference is planned in Bangkok, Thailand, in August 2005.

***Board of Directors 2004-2005:***

*President:*

Dr. N. Jasentuliyana, Sri Lanka

*President Emeritus:*

Prof. Dr. I.H. Ph. Diederiks-Verschoor, The Netherlands

*Vice-Presidents:*

Prof. Dr. V. Kopal, Czech Republic

Ms. Marcia Smith, USA

*Secretary:*

Ms. T.L. Masson-Zwaan, The Netherlands/Switzerland

*Treasurer:*

Dr. F.G von der Dunk, The Netherlands

*Directors:*

Prof. E. Back Impallomeni, Italy

Dr. G. Catalano Sgrosso, Italy

Prof. J. Galloway, USA

Prof. S. Hobe, Germany

Prof. R. Jakhu, Canada

Prof. T. Kosuge, Japan

Prof. F. Lyall, UK

Dr. J. Monserrat, Filho, Brazil

Mr. K.R. Sridhara Murthi, India

Dr. S. Ospina, Colombia

Dr. L. Perek, Czech Republic

Prof. R.M. Ramirez de Arellano y Haro, Mexico

Ms. P.M. Sterns, USA

Dr. A. Terekhov, UN/Russia

*Honorary Directors (non-voting):*

Prof. Dr. K.-H. Böckstiegel, Germany

Dr. M. Bourély, France

Prof. Dr. A.A. Cocca, Argentina

Dr. S. Doyle, USA

Dr. E. Fasan, Austria

Dr. G. Gál, Hungary

Dr. E. Galloway, USA

Dr. He Qizhi, China

Dr. P. Jankowitsch, Austria

Dr. G. Lafferranderie, ESA/France

Dr. N.M. Matte

Prof. Dr. Priyatna Abdurrasyid, Indonesia

Prof. Dr. V.S. Vereshchetin, ICJ/Russia

Dr. E. Wyzner, Poland

Prof. Dr. G.P. Zhukov, Russia

## 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 14<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 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) and NASA, the European Centre for Space Law (ECSL) and the Japan Aerospace Exploration Agency (JAXA), 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 14<sup>th</sup> Manfred Lachs Space Law Moot Court Competition will be held this year in Fukuoka, Japan. The Semi-Final is a **closed** session on 19 October at the Congress Centre. The Final is a public event on **Thursday 20 October**, at **Seinan Gakuin University** in Fukuoka.

## PROGRAM

2:00 and 2:15 PM	Bus transportation from the Congress Center to the Seinan Gakuin University
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
6:30 PM	Dinner at the Reception Room Cross Plaza 2F, Seinan Gakuin University (*for invited guests only)
9:00 PM	End of dinner (exact time may change)  Bus transportation to major Congress hotels for dinner guests

# **SUMMARY OF THE PROBLEM**

## **The Case Concerning International Liability**

### ***Deltastan v Gammaland***

Deltastan constructed a space elevator for more efficient access to space, which involved long nanotubes of pure carbon to create a lightweight carbon tether of sufficient length and strength to allow a space station to be anchored to the earth's surface. A crawler, known as the "Golden Orb", was developed to climb the tether and reinforce the tether by creating a very narrow but fairly wide ribbon, known as the "Super Strings". At the Earth end of the assembly was Sea Anchor, an ocean platform, and at the other was a space station called Drachen Station. The Space Elevator provided commercial transportation services for civilian and military customers. Drachen Station's laser power system was secretly upgraded to double as a laser weapons system and as a power source for the Golden Orbs that were crawling up and down the Super Strings. Powerful radar tracking and targeting systems also were added to Drachen Station. Drachen Station became a fully capable mid-course interceptor system for missile defense.

Gammaland responded with the secret development and launch of a stealthy "Inspector" satellite that could be used to monitor payloads being transported by Space Elevator. Eventually, Inspector was moved to within several kilometers of the Super String and waited for secret military payloads to be observed in some detail.

After vigorous protests, threats and counter-threats, Gammaland informed Deltastan that Inspector would be moved to a position not less than 1,000 kilometers from the Space Elevator. After the repositioning of Inspector, a storm developed in the Maric Ocean. The repositioning of Sea Anchor and Drachen was initiated and Drachen Station was put on defensive alert as a precaution. In the midst of the maneuver a cascade failure of the Super Strings occurred that resulted in the severance of the Super Strings. On Drachen Station those events were interpreted as an attack on the Space Elevator.

The laser weapons system executed a series of pre-programmed firings on all spacecraft that had been identified by the weapon systems as potential foes.

Inspector was the first spacecraft destroyed followed by GammaSat II, another geostationary satellite located over Gammaland, and four LEO earth observation satellites (two military spy satellites and two civilian weather satellites) in near polar orbits, (two of which were in orbits that passed over Deltastan but two of which were in orbits which did not pass over Deltastan or come within 10,000 kilometers of the Space Elevator). All of the destroyed spacecraft belonged to Gammaland.

Drachen Station then began an emergency crew rescue sequence. Within seconds, Drachen Station was reduced to a crew return vehicle, and began a series of maneuvers to decelerate, reenter the Earth's atmosphere and return to the Earth's surface. However, Drachen Station was unable to execute the vehicle return sequence. A landing in Deltastan or in any other country friendly to Deltastan could not be accomplished and the only choice was an emergency landing in Gammaland.

Drachen was immediately seized by the armed forces of Gammaland and the crew was arrested and incarcerated. Gammaland then began a systematic disassembly and analysis of Drachen and its equipment.

Twenty-three thousand miles of Super String then began to reenter the atmosphere. Some larger segments fell harmlessly into the sea, other segments began an acceleration through space towards earth and burned up on reentry into the atmosphere. Other segments of Super String disintegrated into various lengths of nano-fiber and floated to the earth, primarily in Gammaland but some in the territorial waters of Deltastan.

Both Deltastan and Gammaland claim compensation for damage that they have suffered in relation to the Space Elevator. The Parties agreed to refer their dispute arising from these facts to the International Court of Justice.

# **PARTICIPANTS IN THE THREE REGIONAL ROUNDS**

## ***In the USA:***

- University of Dayton School of Law (*Dayton*)
- Institute of Air and Space Law, McGill University (*McGill*)
- St. Thomas University School of Law (*StThomas*)
- George Washington University School of Law (*GWU*)
- University of North Dakota –Dept of Space Studies(*UND*)
- Santa Clara University School of Law (*SCU*)
- Georgetown University Law Center (*GU*)
- George Mason School of Law (*GMS*)
- Golden Gate University School of Law (*GGU*)

## ***In Europe:***

- University of Leiden (the Netherlands)
- University of Cambridge (UK)
- Warsaw University (Poland)
- MGIMO University (Russia)
- University of Aberdeen (UK)
- University of Bremen (Germany)
- University of East Anglia (UK)
- Catholic University of Lublin (Poland)
- University of Jaen (Spain)
- Kyiv International University (Ukraine)

## ***In the Asia Pacific:***

- China University of Politics and Law
- University of Technology, Sydney (Australia)
- Dr. Ambedkar Government Law College (Chennai, India)
- National University of Singapore (Singapore)
- University of Sydney (Australia)
- Parahyangan Catholic University (Bandung, Indone-

sia)

- National University of Juridical Sciences (Kolkata, India)
- University of Auckland (New Zealand)
- Hidayatullah National Law University (Raipur, India)
- Gujarat National Law University (Gandhinagar, India)
- University of Queensland (Brisbane, Australia)
- National Law School of India University (Bangalore, India)
- University of New South Wales (Sydney, Australia)
- University of Tokyo (Japan)
- National Law University, Jodhpur (India)
- Waseda University (Tokyo, Japan)
- Keio University (Tokyo, Japan)
- University Law College (Bangalore, India)
- Aoyama Gakuin University (Tokyo, Japan)
- National University of Malaysia (Selangor, Malaysia)
- Flinders University of South Australia (Adelaide, Australia)
- Government Law College (Mumbai, India)
- China University of Political Science and Law (Beijing, China)
- University of Shenzhen (China)
- Ernakulam Government Law College (Ernakulam, India)
- Beihang University (Beijing, China)
- University of Delhi (India)
- University of Calcutta (Kolkata, India)
- Kurukshetra University (Kurukshetra, India)
- National Academy of Legal Studies & Research (Hyderabad, India)
- Renmin University of China (Beijing, China)

## **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:***

**George Washington University, Washington DC, USA**  
Kristie M. Blase and Olivia R. Hussey  
Coach: Prof. Henry Hertzfeld

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

**University of Cambridge, UK**  
Chris Owen, Alessandro Turati and Daniel Bovensiepen  
Coach: Prof. James Crawford

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

**National University of Singapore, Singapore**  
Joan Lim Pei Hoon and Kirpalani Rakesh Gopal  
Coach: Ass. Prof. Lim Lei Theng

## **JUDGES FOR WRITTEN BRIEFS**

Mr. Ian Awford, Ebsworth & Ebsworth, Sydney, Australia

Prof. Joanne Gabrynowicz, University of Mississippi, USA

Prof. Y. Hashimoto,, National Institute for Defense Studies,  
Tokyo, Japan

Dr. Martha Mejia-Kaiser, Independent researcher, Mexico

Ms. Marcia Smith, Library of Congress, USA

Dr. Frans von der Dunk, International Institute of Air and  
Space Law, Leiden, The Netherlands

## **JUDGES FOR SEMI FINALS**

Mr. K.R. Sridhara Murthi, Exec. Director, Antrix Corp, India

Dr. Peter van Fenema, Adj. Professor, McGill Institute of Air  
and Space Law, Montreal / Consultant, The Netherlands

Prof. Ram Jakhu, McGill University, Canada

## **JUDGES FOR FINALS**

H.E. Judge Hisashi Owada, International Court of Justice

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

H.E. Judge Vladlen Vereshchetin, International Court of Jus-  
tice



## **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 Thursday 20 October
- ★ Invitation to attend the IAF Gala Banquet on Friday 21 October

**SPONSORS**  
**THE 14<sup>th</sup> MANFRED LACHS**  
**SPACE LAW MOOT COURT COMPETITION**  
**WORLD FINALS 2005**

***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>

Japan Aerospace Exploration Agency, JAXA, Japan  
<http://www.jaxa.jp>

## Thank you to our supporting organizations:

### Sponsored by:

**ANDERSON MŌRI & TOMOTSUNE**

アンダーソン・毛利・友常 法律事務所  
www.andersonmoritomotsune.com

Anderson Mori & Tomotsune



**Koyo & Co.**

Koyo & Co.



PROSEED Corporation



Extreme Networks K.K.



**TOKIOMARINE  
NICHIDO**

Tokio Marine & Nichido  
Fire Insurance Co., Ltd.



CITY-YUWA PARTNERS

CITY-YUWA PARTNERS

**NAKAMURA & PARTNERS**  
PATENT TRADEMARK & LEGAL AFFAIRS

Nakamura & Partners

*Leawell*

Leawell Partners



Nissay Dowa General Insurance Co., Ltd.

Nissay Dowa General Insurance Co., Ltd.



スペースリサーチ  
Space Research



Japan Manned Space  
Systems Corporation

Mitsubishi Corporation

Mitsubishi Corporation



Mitsubishi Electric Corporation



Institute for Unmanned Space  
Experiment Free Flyer

**kochi-Syuzo**

Kochi-Syuzo

**KIRIN**

Kirin Brewery Co., LTD.

*KIRIN  
Beverage*

Kirin Beverage Corporation

### Organized by:



Japan Aerospace Exploration Agency

西南学院大学

Seinan Gakuin University

**SOLAPSU**

The Society for the Study of  
Law & Policy on Space Utilization

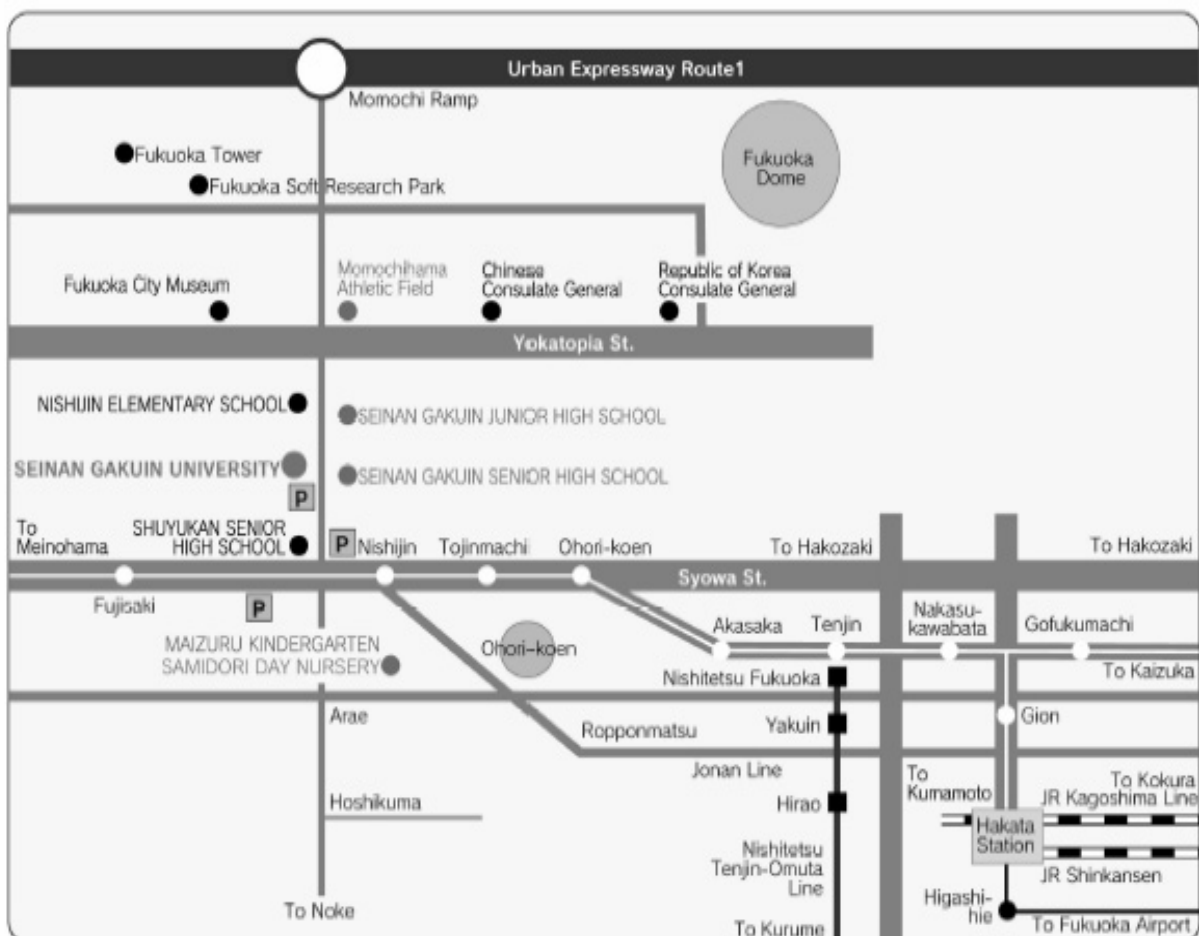
# IMPORTANT INFORMATION

## Congress Center (CC)

Fukuoka International Congress Center  
2-1 Sekijo-machi, Hakata-ku, Fukuoka City,  
812-0032 Japan  
Tel.81-92-262-4111  
Fax.81-92-262-4701

## Seinan Gakuin University, Law School & Law Faculty (SG)

6-2-92, Nishijin, Sawaraku,  
Fukuoka 814-8511 JAPAN  
TEL: +81 (0)92 823 3718  
FAX: +81 (0)92 823 2276



Access Map to SG

**Reception Room (RR)**

Cross Plaza 2F, Seinan Gakuin University

6-2-92, Nishijin, Sawaraku,

Fukuoka 814-8511 JAPAN

TEL: +81 (0)92 823 3718

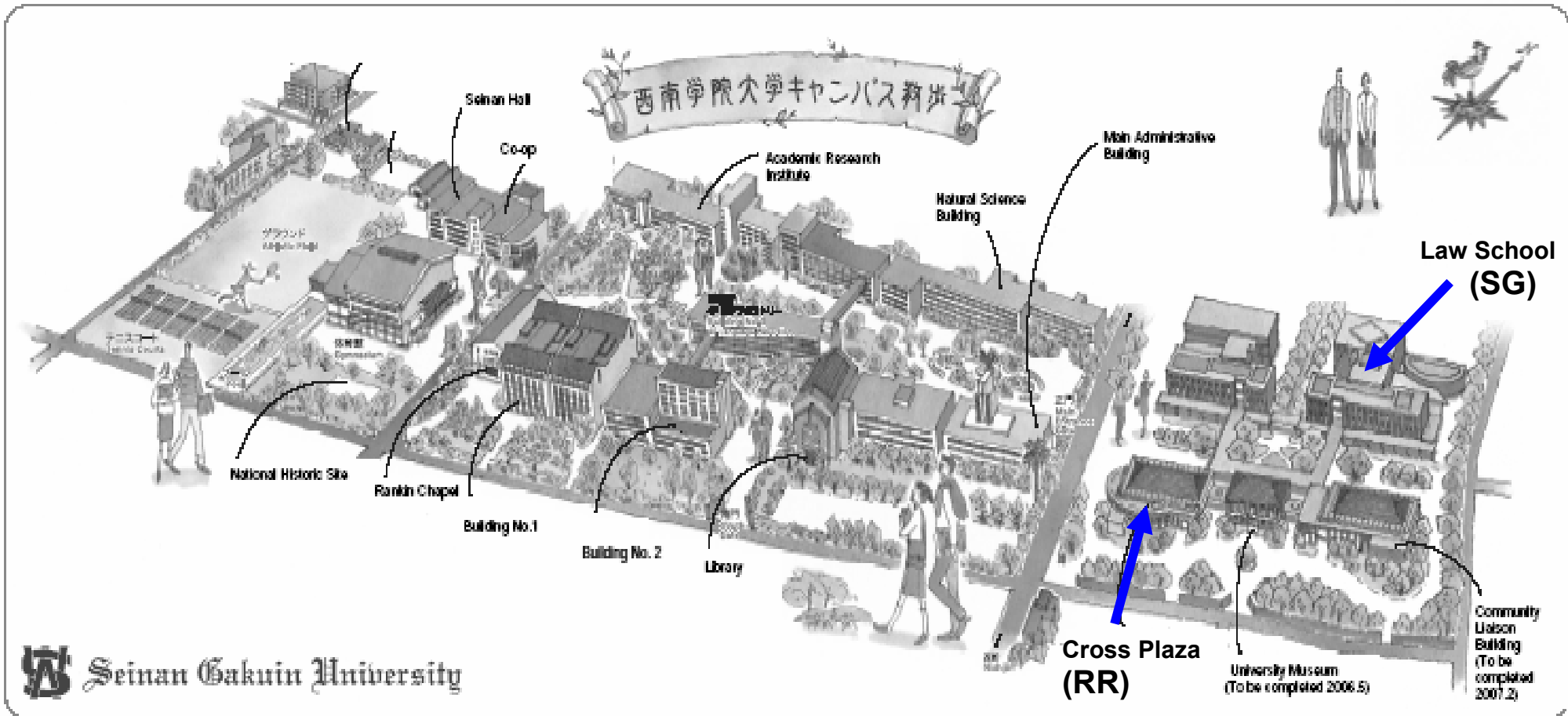
FAX: +81 (0)92 823 2276

**Transportation:**

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

Departing at 6 PM: it's only a very short walk from SG to RR where cocktail will start accordingly and dinner will start at 7 PM. Taxis on call for other attendants. (for invited guests only)

Departing at about 9 PM: special IISL buses will pick up guests at RR to transport them to specific Congress hotels.



Campus Map of Seinan Gakuin University



8-10, RUE MARIO NIKIS  
75015 PARIS – FRANCE

Tel. 33-1-45.67.42.60

Fax 33-1-42.73.21.20

Email: [secretary@iafastro-iisl.com](mailto:secretary@iafastro-iisl.com)

Website: <http://www.iafastro-iisl.com>