

## **PUBLIC STATEMENT BY DR. RICKY J. LEE ON HIS DEPARTURE FROM THE MANFRED LACHS SPACE LAW MOOT COURT COMPETITION**

1. I was elected a member of the International Institute of Space Law (the “**IISL**”) in 1999 and was appointed the Asia Pacific Regional Organiser of the Manfred Lachs Space Law Moot Court Competition (the “**Lachs Moot**”) in the same year. At the time, only a handful of universities participated in the Lachs Moot in Europe and North America.
2. The first Asia Pacific Regional Rounds were held in March 2000.
3. The Asia Pacific Regional Rounds have consistently attracted more teams than the European and North American Regions combined. In 2007, for example, there were more than 40 teams in the Asia Pacific Regional Rounds while the European and North American Regional Rounds had around 10 teams each.
4. The Asia Pacific Regional Rounds have been conducted at a substantial loss each year as a result of its policy of subsidising the participating teams from developing countries. The annual funding shortfall, which ranged from A\$1,000.00 to A\$7,000.00, have been borne by me personally and I have done so through the years without comment or protest. In some years, the funding shortfall had led me to not be able to attend the International Astronautical Congress and the World Finals of the Lachs Moot, particularly in 2002, 2004 and 2007.
5. I have also funded my own attendance at the International Astronautical Congress and the World Finals of the Lachs Moot, specifically in 2000 (Brazil), 2003 (Germany), 2005 (Japan), 2006 (Spain), 2008 (Scotland), 2009 (South Korea) and 2010 (Czech Republic). Further, in 2008, the year in which I suffered a severe heart attack on 4 February, I went to Scotland anyway despite contrary medical advice and subsequently suffered a second heart attack within two weeks of my return to Australia.
6. In 2002, I registered the domain name spacemoot.org and offered to allow the IISL to have the website for the Lachs Moot hosted at that domain name. Since that time, I have borne all financial costs associated with the renewal, hosting, design (and redesign), uploading and maintenance of the domain name and the website, which has cost thousands of dollars. In return, the IISL waived my annual membership fee of €50.00.
7. In 2005 and at my instigation, the Organising Committee of the Lachs Moot was formed to consider amendments to the Official Rules of the Lachs Moot. This may be surprising considering the Official Rules of the Lachs Moot had provided for an Organising Committee for a very long time and yet the Lachs Moot until then was administered exclusively by Tanja Masson-Zwaan, then the secretary of the IISL.
8. In 2007, Ms. Masson-Zwaan became president of the IISL and, at the same time, I was elected to the Board of Directors of the IISL. I did not seek to be nominated to the Board and when I was asked by the Nominating Committee I expressed reluctance on account of my age and inexperience in the politics of the IISL.
9. In 2007, after she was elected as president of the IISL, Ms. Masson-Zwaan expressed the view that it was not appropriate for her to continue to chair the Organising Committee, but she made no efforts to appoint her replacement.

10. In October 2009, I agreed to take over the chair of the Organising Committee on an interim basis, until a more suitable candidate is found to fill the role.
11. In March 2010, I attended the meeting of the Board of Directors of the IISL in France. At this meeting, Ms. Masson-Zwaan suggested to the Board that Leslie Tennen ought to be appointed as a co-chair to the Organising Committee. She did not at any time discuss the possibility of Dr. Tennen's appointment with me beforehand, even though we had met on the previous day in Paris and there were abundant opportunities for her to discuss the matter with me in person or to send me an email beforehand.
12. During the same meeting of the IISL's Board of Directors, Ms. Masson-Zwaan also took the time to state humiliatingly the Board's "expectations" of me as the chair of the Organising Committee.
13. If Ms. Masson-Zwaan had discuss the suggestion with me beforehand, I would have told her that Dr. Tennen would be an excellent addition to the Organising Committee, but if the intent of having a co-chair is out of concern for my health, then the co-chair must be one with an in-depth knowledge of the workings and organisation of the Lachs Moot. Accordingly, a past or present regional organiser would be appropriate.
14. It was clear to me from that time that my position on the Organising Committee was untenable and I resigned as chair of the Organising Committee in April 2010. In email exchanges among the directors of the IISL, Ms. Masson-Zwaan expressly alleged that I had lied in my letter of resignation when I stated explicitly that she had not discussed Dr. Tennen's appointment with me before it was raised with the Board of Directors. It was not until September 2010 that she had verbally admitted the truth in what I had stated and apologised by email for not having discussed the matter with me before publicly seeking to have Dr. Tennen appointed to share my position.
15. In May 2010, without consulting the Board of Directors, Ms. Masson-Zwaan appointed Martha Mejia-Kaiser as a co-chair of the Organising Committee. She did so despite the Statute of the IISL explicitly requires the Board to be consulted before the president appoints members to any of the IISL's committees.
16. Neither Dr. Tennen nor Dr. Mejia-Kaiser had experience in the organisation of the Lachs Moot at the time of their appointment.
17. After my resignation, I publicly and privately expressed support for Dr. Tennen's tenure and leadership as chair of the Organising Committee and even wrote for him a 36-page confidential memorandum detailing my experience and knowledge of the Lachs Moot. When Dr. Mejia-Kaiser was appointed, I also sent the same memorandum to her despite the intention that its contents were to be confidential between Dr. Tennen and myself.
18. Prior to my resignation as chair of the Organising Committee in April 2010, I had circulated among its members a set of proposed amendments to the Official Rules. Dr. Tennen and Dr. Mejia-Kaiser solicited comments from the members of the Organising Committee. Some of these comments sought explanations as to the intent or purpose for specific proposed amendments and at no time did Dr. Tennen or Dr. Mejia-Kaiser sought my response.
19. However, on 13 July 2010 Dr. Mejia-Kaiser sent a copy of the comments received to Dr. Milton Smith, the North American Regional Organiser, and sought his comments. She did not send them to either the European Regional Organiser or me, as the Asia Pacific Regional Organiser, for comment (even though the comments received specifically sought explanations as to the

purpose or intent of my proposed amendments). When I inquired by email as to the reason for my exclusion, Dr. Mejia-Kaiser responded by email that they wanted Dr. Smith's comments as he had been involved from the beginning and that they counted on my discretion in this matter.

20. Why would Dr. Tennen and Dr. Mejia-Kaiser need to count on my discretion if they did not think they had done anything wrong?
21. I maintained my protest, as the conduct of the Lachs Moot must be fair and transparent and the three regions must be treated equally and have the same degree of participation, decision-making power and influence over the organisation of the Lachs Moot. If the North American Regional Organiser is given materials to comment on in relation to amendments to the Official Rules, then the European and Asia Pacific Regions must be accorded the same treatment. Strangely, the response from Dr. Mejia-Kaiser was that if I am asking for the Asia Pacific Regional Rounds to be treated differently then I ought to do so by proposing such an amendment to the Official Rules.
22. On 29 July 2010, Dr. Tennen asked me to upload the 2011 Moot Problem on the website of the Lachs Moot. I refused to do so (especially considering it would be at my own personal financial cost) until those of us involved in the organisation of the Asia Pacific Regional Rounds decide whether we want to continue with the Lachs Moot in the present circumstances. I further stated that if we were to depart and start a new space law moot court competition then we would destroy the Lachs Moot and the IISL.
23. On 1 August 2010, Dr. Tennen emailed the IISL Board of Directors implying that I was holding the uploading of the Moot Problem hostage.
24. Professor Ram Jakhu then sought to mediate in the dispute. During the course of these discussions, I drafted the annexed\* Statement of Principles that reflect the fundamental concerns we had about the transparency in the organisation of the Lachs Moot and the equality of the three regions in the process. However, Dr. Tennen and Dr. Mejia-Kaiser took no steps to circulate the proposed Statement of Principles among the members of the Organising Committee for its adoption before unilaterally uploading the 2011 Moot Problem on the website of the IISL.
25. It was then clear to my colleagues and I that no fruitful outcome can be negotiated and we decided to start our own space law moot court competition under the auspices of the International Air and Space Law Association. On 12 August 2010, I resigned as Asia Pacific Regional Organiser of the Lachs Moot with immediate effect.
26. Considering the importance of the Lachs Moot among the activities of the IISL, I felt it necessary and appropriate to account to the members of the IISL as to my actions. Accordingly, on 17 August 2010 I sent the annexed\* email to the IISL members whose email addresses I had (since I do not have access to the membership list of the IISL) stating the concerns I had with the Lachs Moot that prompted my departure.
27. On 19 August 2010, Ms. Masson-Zwaan sent an email to all IISL members that did not address any of the issues raised and instead mounted personal attacks.
28. On 23 August 2010, Dr. Tennen sent an email to all IISL members that also did not address the issues raised beyond stating that "all of our decisions have been made without favouritism or special treatment to any region or individual" and also stated that "Our leadership was not acceptable to Mr. Lee and he has opposed virtually every decision we have made and every action we have taken. His opposition often has taken the form of personal attack and insult." In

response, I circulated a copy of all relevant emails between Dr. Tennen or Dr. Mejia-Kaiser and myself to as many IISL members as I could. These emails clearly demonstrate the falsity of those statements.

29. Later on 23 August 2010, I spoke at length with Ms. Masson-Zwaan by telephone. She explicitly stated that she would not ask what it would take to resolve the dispute, which clearly meant that there was no intention on her part to resolve the dispute. She had also verbally and by email confirmed that the contents of our discussions were confidential. However, a later email from Dr. Tennen to the members of the Organising Committee clearly indicated that she had disclosed part or all of the contents of our discussion.
30. From 1 August 2010, I have been subjected to personal attacks from many members of the IISL Board of Directors. My term as a director will expire on 29 September 2010 and the only reason I have not resigned from the Board of Directors is to prevent someone unknown to the space law community or have made little contribution to the field of space law being appointed by Ms. Masson-Zwaan to fill my casual vacancy.
31. The IISL, the Lachs Moot, Dr. Tennen, Dr. Mejia-Kaiser and all of the Board of Directors are institutions and people that I have grown to respect, befriend and love over the past 12 years. Words simply cannot express the sorrow and heartbreak that I feel to bid farewell to the friendships that have been forged through the years.
32. However, there is often a price to be paid when one is right. It is a sacred trust to conduct one of the largest mooting competitions in the world and one betrays that trust not to do so with integrity, fairness and transparency. If the blackening of one's name is the price for there to be a proper space law moot court competition, then I shall pay it.

*Ricky J. Lee*

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1 September 2010