

INTERNATIONAL INSTITUTE OF SPACE LAW
OF THE INTERNATIONAL ASTRONAUTICAL FEDERATION

INSTITUT INTERNATIONAL DE DROIT SPATIAL
DE LA FEDERATION ASTRONAUTIQUE INTERNATIONALE

3-5, RUE MARIO NIKIS
75015 PARIS - FRANCE
e-mail Secretary: tanja.masson@pacific.net.sg

Tél. 33-1-45.67.42.60
Telefax 33-1-42.73.21.20
Website: <http://www.IAFASTRO.COM>



NEWSLETTER No. 60 - JUNE 2001

INTRODUCTION

The Board of Directors met on March 10th, 2001 in Singapore. The deliberations and decisions of the Spring Meeting are reflected in this Newsletter. The meeting coincided with the **Space Law Conference 2001, Commercial Opportunities and Legal Challenges for Asia**, organised by IISL with the Society of International Law Singapore, which took place from 11-13 March. Over 120 participants from more than 20 countries participated, including large delegations from Japan, China, Korea, Thailand and Singapore. The Proceedings will be published in a special issue of the Singapore Journal of International and Comparative Law, and will be available for purchase at the Toulouse Colloquium. A conference report will be published in the Journal of Space Law and in the August issue of Space Policy. Some conference binders are available for purchase, if you are interested please contact the Secretary. Cost per binder is USD 50, excluding courier costs (you may quote your own Fedex or DHL account for convenience).

THE 44th IISL COLLOQUIUM, 1-5 OCT.
2001, TOULOUSE, FRANCE

"Emerging Legal Issues in Space Activities"

Sessions: a total of 56 abstracts has been accepted for the following sessions:

- Session 1: Emerging issues of interpretation and application of space treaties (including definitional issues of state responsibility, launching states, space objects and related legal issues) Chairmen: Dr. Gabriel Lafferranderie,

ESA; Ms. Patricia Sterns, USA; Rapporteur: Ms. Martha Mejia-Kaiser, Mexico

- Session 2: Emerging legal issues in satellite telecommunications (with special attention to the national regulation of licensing of mobile satellite systems) Chairmen: Prof. Lucien Rapp, France; Prof. Alexis Goh, Australia; Rapporteur: Ulrike Bohlmann, Germany

- Session 3: Legal issues arising from the commercial availability of high quality remote sensing imagery (topics will include the extent to which such imagery can be admitted as evidence in civil and criminal cases; what legal requirements must be established to guarantee that such digital data used in legal proceedings are unaltered; the extent to which such data can be used to mediate international disputes; and what personal and corporate rights of privacy exist with regard to the acquisition and dissemination of such data) Chairmen: Prof. Armel Kerrest de Rozavel, France; Ms. Sylvia Ospina, Colombia; Rapporteur: Dr. Olivier Ribbelink, Netherlands

- Session 4: Other Legal Matters, Including: the teaching of space law at the dawn of the new millennium; space debris; conflicts relating to space activities; legal aspects of human habitations in outer space; emerging legal issues in the field of navigation by satellite. Chairmen: Dr. Michel Bourély, France; Prof. Toshio Kosuge, Japan; Rapporteur: Mr. Leslie Tennen, USA

- A Scientific/Legal Roundtable will be held on the scientific and legal implications of establishing solar power systems on the geostationary orbit. The session will be chaired

by V. Kopal and N. Kaya (Kobe University, Japan). (IAA.7, Wednesday afternoon))

- Plenary Session:

In addition to the four IISL Sessions, the Board is pleased to announce that the IISL will again organize one of the Plenary Sessions of the IAF Congress, on the topic "A Fresh Look on Spectrum Management: Space Business Facing Scarce Resources". We have been able to secure a better slot than last year, on Wednesday. The session is being organized with help of Prof. L. Rapp in Toulouse.

- IISL Dinner: arrangements are being finalized. Sponsors include the Mairie de Toulouse, SFDAS, ADDEF, and Université de Toulouse I. The Board is appreciative of the excellent support given by the Local Organizing Committee and other local organizers who have assisted in making the arrangements for IISL activities.

Schedule of IISL sessions and meetings:

1. Board of Directors on Monday at 3.30p.m.
2. Moot court semi-final: Tuesday, 1 p.m.
3. Session 1 on Tuesday morning,
4. Session 2 on Tuesday afternoon,
5. Session 3 on Wednesday morning,
6. Plenary session on Wednesday noon (**tb**)
7. Scientific/Legal Roundtable on Wednesday afternoon
8. Moot court final on Thursday afternoon,
9. IISL Drinks & Dinner on Thursday evening
10. Session 4 and GA on Friday morning

Practical information:

- All authors have been informed by the IAF whether their paper was accepted. Please follow the instructions closely, and **PLEASE DO NOT FORGET TO SIGN THE PROPER COPYRIGHT FORM!**
- Please note that all authors should re-submit their abstracts for the IAF Book of Abstracts and the CD-ROM that IAF will produce; instructions were included with the author's kits sent by AIAA. Final date for submission is June 30th. Please help us increase awareness of IISL work by complying with this request!
- Authors are strongly urged to use the proper format requested by the AIAA. Papers which are not formatted according to the instructions will not be printed in the Proceedings. The AIAA (Betty Guillie) can be reached at 1801 Alexander Bell Drive, suite 500, Reston, VA 20191, USA, Tel 1-703 2647573, Fax 1-703 2647551, e-mail bettyg@aiaa.org, <http://www.aiaa.org>,
- Authors under 40, who submit a paper for the first, second or third time may request their

paper to be considered for the Dr. I.H.Ph. Diederiks-Verschoor Award for Best Paper; please inform the Secretary! (regulations were circulated to all authors).

- Authors should bring ± 75 copies of their papers for distribution at the Colloquium. *DO NOT leave these papers at the AIAA preprint room but bring them directly to the IISL Session!*
- Each speaker will have 15 minutes to present his/her paper.
- Each session will have a discussion of about 30 minutes at the end of the presentations.
- The shortest session will be held on Friday, and that will be followed by a longer discussion to round off the colloquium
- The Secretary will check in September how many authors will be present, and thus reschedule the sessions as necessary.
- In order to be considered for publication, a paper must be presented at the Colloquium, either by the author himself, or, in summary, by another person.
- An author whose paper is published in the Proceedings, as well as all IISL Members, may buy the Proceedings at a reduced price.

10th MANFRED LACHS SPACE LAW
MOOT COURT COMPETITION

The 10th Manfred Lachs Space Law Moot Court Competition will be held during the Toulouse Colloquium. Semi-finals will be held on Tuesday 2 October (during lunchtime.). The Finals will be held on Thursday 4 October. Judges Gilbert Guillaume, Abdul Koroma and Vladlen Vereshchetin of the ICJ will judge the Finals. The three regional preliminary competitions had the following results:

- USA: 9 teams participated, University of North Carolina won
- Asia-Pacific: 7 teams participated, University of Singapore won
- Europe: 5 teams participated, University of Dijon won.

The Board was especially pleased with the large number of teams for the European round. The participation in the Asia-Pacific round has also increased substantially.

The Law Offices of Sterns and Tennen will again provide an Award for the **Best Oralist**. Prof. Diederiks-Verschoor and Ms Smith will sponsor the Eilene M. Galloway Award for **Best Brief**, and the Board noted with great pleasure that Judge Vereshchetin has proposed to donate a sum to establish a **Manfred Lachs Trophy**. This Trophy would be taken home each year by the winning team, and brought back to the next IAF Congress for the following competition. For

Toulouse, the Tenth competition, the names of the winners of the nine previous years will also be engraved. Prof. Back Impallomeni offered to donate the same sum, so that a truly prestigious trophy can be purchased.

- New round for the Americas except the USA: Prof. Williams will give a report in Toulouse.

- Amendments to Rules: Some changes are necessary; a Task Force of Prof. Lyall, Dr. Fasan, Dr. Skip Smith, Dr. von der Dunk and the Secretary will report to the Board for a decision to be taken at the Toulouse board meeting.

AWARDS & CERTIFICATES

The Board has decided to give a Certificate to the Secretary, Tanja Masson-Zwaan in Toulouse.

ELECTIONS

The term of office of Prof Lyall (UK) expires in 2001. The Nomination Committee will be presided by Prof. J. Galloway. Its other members are Dr. E. Fasan and Prof. J. Monserrat. The mandate of the Committee is to propose a nomination for the vacancy on the Board.

NEW MEMBERS

The following members were elected :

INSTITUTIONAL MEMBER:

National Remote Sensing and Space Law Center
University of Mississippi Law Center
University, MS 38677, USA
T 1-662 915 6869
F 1-662 915 6842
E eholmes@olemiss.edu

INDIVIDUAL MEMBERS:

Mr. John Heath, Jr.
201 Massachusetts Ave., N.E. # 314
Washington DC 20002, USA
T 1-202 547 2425
E heathj@surf.free.com

Dr. Eugene Holmes
Associate Director
National Remote Sensing and Space Law Center
University of Mississippi Law Center
University, MS 38677 USA
T 1-662 915 6869
F 1-662 915 6842
E eholmes@olemiss.edu

Mr. Alfons Noll
Former ITU Legal Adviser
Of Counsel, Baker & McKenzie

6 Rue Bellot
CH 1206 Geneva SWITZERLAND
T 41-22 346 7070
E alfons.noll@itu.net

Ms. C. Heather Walker
Associate, Wiley Rein & Fielding
1776 K Street NW
Washington DC 20006, USA
T 1-202 719 7000
E cheatherwalker@hotmail.com

TASK FORCE ON THE IMPLEMENTATION OF A NEW STRATEGY FOR IISL

Dr. Schrogl, Dr. Perek and Prof Monserrat have submitted a report of their findings to the Board. The report sets out the general idea that the time is right for IISL to take a more active role, and that this should be as a facilitator of ongoing discussions within the COPUOS LSC, and in the form of "analyses of legal problems" rather than position papers. The report suggests that, upon proposal by an IISL member, the Board may decide on a subject on which to prepare an analysis and select a coordinator, Member of IISL, who will assemble a group of experts, not necessarily all Members of IISL. The group would prepare a draft analysis before the next IISL Colloquium, where it would be discussed. Following that discussion, the Board would decide on the analysis and nominate a representative to present it (following a redraft taking into account the discussions at the Colloquium and the views expressed by the Board) to the COPUOS LSC.

While this constitutes the main concrete proposal of the Task Force, its members shared the view that further steps should be developed to increase and enhance the role of IISL, in addition to having direct influence on making of space law.

The Board approved the report with the understanding that the implementation of any actions it may call for will be submitted to the Board beforehand. The Board would like to record its appreciation for the initiative taken by Dr. Schrogl and to thank him and Dr. Perek and Prof. Monserrat, as well as all other members who have provided valuable input, for preparing the Task Force report.

- Members who would like to receive a copy of the full report, or who would like to make a proposal for a topic of an "analysis" are invited to contact the Secretary before September 1st.

STATUTES AND LEGAL STATUS OF IISL

- In view of recent concerns about the legal status of IISL, the Board discussed the desirability or need for IISL to become a separate legal entity. However, the Board unanimously believed that IISL should remain a part of the IAF. The IAF Bureau has agreed to the IISL proposal and the Treasurer will settle the checking of our financial records by IAF with its Executive Director.

- The Board is also considering some amendments to our Statutes/Bye-laws, a.o. to clarify the number of board positions. Prof. Kopal and Prof. Lyall hope to have a proposal for consideration by the Board at its next Meeting, after which the General Assembly could vote at the meeting in Toulouse.

UNCOPUOS

- Several IISL members attended the Meetings of the COPUOS Legal Sub-Committee (2-12 April) as official IAF observers (Prof. Back Impallomeni, Dr Fasan, Dr van Fenema, Mrs Ramirez de Arellano, Ms Yara Arvide). Some will also attend the Plenary Session (6-15 June).

- The IISL/ECSL workshop for delegates was held on 2 April on the topic: Legal Aspects of Dispute Resolution Mechanisms. Dr. Fasan was the Coordinator. The speakers were Dr. F. von der Dunk (Leiden University), Ms. F. Schroeder (Milbank, Tweed, Hadley & McCloy), A. Farand (ESA) and Prof. A. Kerrest (University of Brest). The Chairman of the LSC, Prof. Kopal made concluding remarks, and this was followed by a reception.

- IISL presented a report on its activities to COPUOS. Dr Ram Jakhu had written the report and Dr Fasan presented it.

- Dr. Doyle again wrote thereport for the UN Highlights in Space Report, for which the Board is very grateful.

45th IISL COLLOQUIUM
10-20 OCT. 2002, HOUSTON TX, USA
(WORLD SPACE CONGRESS)

The following Topics /Chairmen were decided:

Session 1: Space Assets: Legal Aspects of Financing and Risk Management

Papers may address all legal aspects of financing space activities and managing the associated risks, with special attention for the UNIDROIT Protocol on space property, financing mechanisms for space ventures and satellites, insurance, and liability-mitigating issues.

Chairmen: Dr. A. Dula, USA, Ms. F. Schroeder, USA

Session 2: ISS and the Law

This session will address issues related to the legal procedures for national implementation of the 1998 Intergovernmental Agreement on the International Space Station, partners' obligations related to the facilitation of the movement of persons and goods into or out of national territory, the protection of the exchanged technical data, the granting of intellectual property rights, the responsibility and liability (including "cross waiver of liability") of each partner State, etc.

Chairmen: Dr. A. Farand, ESA, Prof. M.H. Fonseca de Souza Rolim, Brazil

Session 3: Legal Implications of Military Uses of Outer Space

Papers should address issues related to legality or illegality under current international space law of all military uses of outer space, including placing of weapons of all types, use or threat of use of force against foreign satellites, threat of increasing space militarization to its peaceful uses, relevant law-making processes for new treaties, etc.

Chairmen: Prof. J. Galloway, USA, Dr. E. Fasan, Austria

Session 4: Other Legal Matters, including Legal Aspects of Launch Services

Papers could address legal matters related to the definitions of "launching State" and "appropriate State", the export of satellites for launch, the export of components for satellites and launch vehicle, launches from sea-based and air-based platforms, international agreements governing launch services, space debris, national licensing for satellite services, etc.

Chairmen: Dr. A. Terekhov, UN/Russia, Dr. K.U. Schrogl, Germany

➤ Members who are interested to serve as RAPORTEURS, please contact the Secretary as soon as possible!!

- IISL will organize a Joint Meeting with IAF, IAA and COSPAR on "Planetary Protection Issues in Space Exploration – Science, Policy, & Legal Aspects". The 1-day program will have 4 sessions:

- Preservation of Solar System Conditions (forward contamination control in robotic exploration)
- Preservation of Earth's Biosphere (back contamination control and hazard determination)
- Implications of Planetary Protection for Human Exploration and Habitation
- International Policy Issues, Legal and Ethical Considerations, and Public Communications

Coordinators are John Rummel for COSPAR and Patricia Sterns for IISL

- Moot Court: the draft problem is being prepared by Dr. Wirin. The case will be distributed to universities in August/September.

- Moot Finals & IISL Dinner: Ms. Sterns will act as Coordinator and Dr. Art Dula in Houston has agreed to cooperate. They will set up a committee of US IISL Members, those interested may contact Patricia Sterns at pms@astrolaw.com

ACTIVITIES/ PUBLICATIONS

• Proceedings Colloquia: the Rio volume has been printed by AIAA. A new contract has been signed and covers proceedings until the 2005 Colloquium.

• Standing Committee on the Status of International Agreements Relating to Activities in Outer Space, the report will as usual be available at the Colloquium

• Regional event 2003: some proposals are underway for our second regional event. The parties will be requested to submit a detailed proposal to the Board for consideration.

• Website: Members are invited to visit the site and send any suggestions or comments to the Secretary, who will liaise with the webmaster

• History: Dr Doyle's IISL history from 1982-present should be available in Toulouse, at the same time when IAF is bringing out a publication on its 50th anniversary.

INPUT FOR NEWSLETTERS

The Board invites Members to submit relevant information to the Secretary for inclusion in future issues of the Newsletter. In order to be included in the next Newsletter, which will be issued after the Toulouse Colloquium, such information must be received by the Secretary before 15 November 2001. The Board reserves the right to decide what information will be published.

➤ The Secretary reports: following the success of the Space Law Conference 2001, the National University of Singapore has decided to add space law, as well as air law to its curriculum. Ms. Masson-Zwaan has accepted to offer the courses as of July 2001.

HOW TO ORDER PROCEEDINGS

IISL members are entitled to purchase copies of the Proceedings at a discount.

- Volumes 1 to 3 are available from the IISL Secretariat for US\$30 per set.

- Other back issues are available from William S. Hein & Co., 1285 Main Street, Buffalo NY 14209, tel 1-800 828 7571 or 716-882 2600, fax 716 883 8100 (Volumes from 1980-1992 are out of print).

- Issues from 1993 are available from AIAA/TASCO, 9 Jay Gould Court, P.O.Box 753, Waldorf, Maryland 20604, USA, fax 301-843-0159. The prices are (in \$US):

- 93-96: List price 84.95, Members 64.95

- 97: List price 94.95, Members 74.95

- 98, 99, '00: List price 99.95, Members 79.95

All orders from TASCO must be prepaid.

NOTE

The first part of the 2nd Announcement of the **52nd IAF Congress**, Toulouse (with registration forms and hotel information) has been mailed to all IISL members. Additional information may be obtained from:

Colloquium, Ms A. Gigon, tel ++33 1 44641515, fax ++33 1 44641516,

e-mail: colloquium@colloquium.fr

For information on the programme, visit the IAF website: www.iafastro.com