

INTERNATIONAL INSTITUTE OF SPACE LAW

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NEWSLETTER No. 74 - SEPTEMBER 2008

IN MEMORIAM MRS LEE MORSE LOVE

It is with great sadness that I inform you that our faithful and dedicated member Mrs. Lee Morse Love has passed away on August 31st. She was a true friend of the Institute and always attended our Colloquia with her husband. Lee Love was a pioneer in reporting on United Nations' efforts to ensure the peaceful uses of outer space for over 40 years. Her kindness and her warm support of the IISL, and especially the Manfred Lachs Space Law Moot Court Competition will be remembered by us all.

Mr. and Mrs. Love have established the "Lee and Matthew Love Foundation" for the funding of a "Lee Love Award for members of the winning team" at the Manfred Lachs Space Law Moot Court Competition. We are most grateful for Lee's generosity and will miss her dearly. Our thoughts are with her family.

Tanja Masson-Zwaan, President

INTRODUCTION

The Board of Directors met on March 29th, 2008 in Paris. The deliberations and decisions of the Spring Meeting are reflected in this Newsletter.

Various organisations such as IAA, COSPAR and IAF are nowadays interested in involving space lawyers in their conferences and research projects. Some of these organizations are working on plans related to the vision of their organization, and IISL should use the momentum.

The Board will react favourably to calls for cooperation and for instance the President and Prof. Kopal have participated in a recent IAF Retreat to consider plans for the future development of the Federation. It has also intensified cooperation with the IAA, which has 6 Commissions, 8 to 10 standalone conferences each year and 35 studies in preparation. Three years ago, the IISL and IAA for the first time held a joint conference in Bangalore, India. This type of joint conferences assembles lawyers and scientists to discuss issues in a broader context. The IAA conference on Private Human Access to Space in Arcachon, France held in May 2008 had several legal sessions and IISL was invited to serve as co-organiser. More plans for cooperation with the Academy will be explored. COSPAR set up a new committee on Exploration of Space and will invite IISL to participate.

During the Spring meetings, many people addressed the President regarding the question

of private property rights in space. The IISL has a statement on the web site since 2004 and will consider a follow-up to that during its meeting in Glasgow, in view of recent intensifying debates.

EILENE M. GALLOWAY SYMPOSIUM ON CRITICAL ISSUES IN SPACE LAW, 11 DEC. 2008

The 3rd Eilene M. Galloway Symposium on Critical Issues in Space Law will be held in Washington DC on 11 December 2008. The topic is "The Outer Space Treaty Article VI: Issues and Implementation", and the programme will shortly be announced on the IISL website.

51st COLLOQUIUM IN GLASGOW, SCOTLAND 29 SEPT – 3 OCT 2008

Sessions:

Session 1:
Private international law regarding space activities
Chairs: Francis Lyall, Lesley Jane Smith,
Rapporteur: C. Doldirina
13 papers (Tuesday morning)

Session 2:
The 40th anniversary of the rescue agreement:
looking ahead /

Weaponisation of outer space in the light of article 4 of the outer space treaty, part A
Chairs: Vladimir Kopal, Sergio Marchisio,
Rapporteur: Fabio Tronchetti
14 papers (Tuesday afternoon)

Session 3:
Weaponisation of outer space in the light of article 4 of the outer space treaty, part B
Chairs: Jonathan Galloway, Jose Monserrat Filho,
Rapporteur: Ricky Lee
15 papers (Wednesday morning)

Session 4:
Legal aspects of natural near earth objects (NEOs) / other legal matters, part A
Chairs: A. Richard Tremayne-Smith, Maureen Williams, Rapporteur: Martha Mejia Kaiser
15 papers (Wednesday afternoon)

Session 5:
Other legal matters, part B
Chairs: Joanne Irene Gabrynowicz, Joanne Wheeler, Rapporteur: Sylvia Ospina
16 papers (Friday morning)

23rd IAA-IISL Scientific-Legal Roundtable

“Paper Satellites – Problems of Policy, Regulation and Economics”
Chairs: Corinne Jorgenson and Lubos Perek
Invited papers (Thursday morning)

It has been decided last year to re-invigorate this IAA-IISL scientific/legal roundtable that is a special event—and not just another session—for both organisations. This unique roundtable brings scientists and engineers with lawyers to discuss a specific topic. This year, it is going to be the 23rd roundtable. The IISL will work on making this event more visible and have some publicity in various places; in addition IISL President and IAA President will make the introductory remarks.

IISL Plenary Session

“Real space, real law, real progress”
Tuesday 30 September, 14.00 (plenary event 3)
New economic activities have entered the space arena and their legal and regulatory needs could be seen to be in conflict with those of the existing space agencies and satellite markets. These new entrants pose both challenges and opportunities to the space law community and in turn the space industry in general. Their issues need to be understood to encourage this new growth, but also to negate any harmful impacts they may or may not have.

Moderator:
Christopher Stott, Chairman and CEO, Mansat Ltd, UK
Panellists:

Christian Sallaberger, Exec VP, Space Exploration, MDA, Canada
Robert Richards, CEO, Odyssey Moon, USA
Clay Mowry, President, Arianespace, USA
Walter Peters, Director IISC and dean ISU, France
John Purvis, General Counsel, SES Global, Luxembourg
Eric Anderson, CEO, Space Adventures, USA
Martin Stanford, Unidroit

Dr. I.H.Ph. Diederiks-Verschoor Award and Prize

The award and prize may again be given in Scotland. The board of examiners will consist as usual of Prof. Back Impallomeni, Dr. Jakhu and Dr. Ospina. The deadline for submission is 1st September. Submission can be done online, information and entry form can be found on the IISL Website www.iislweb.org or on the (restricted) authors' page of the IAF website.

Summary meeting and social event schedule:

- Monday 1-4 pm, Plaza Board room: Board of Directors meeting
- Tuesday 10 am - 1 pm, Alsh 1: E8.1. Private International Law Regarding Space Activities
- Tuesday 1:30 pm, Hotel Campanile, Picasso Suite: Moot Court semi-finals (closed session)
- Tuesday (Industry Day) 2-3 pm: IISL Plenary
- Tuesday 3-6 pm, Alsh 1: E8.2. The 40th Anniversary of the Rescue Agreement: Looking Ahead / Weaponisation of Outer Space in the light of Art. 4 of the Outer Space Treaty, part A;
- Wednesday 9:30 am – 12.30 pm, Alsh 1: E8.3. Weaponisation of Outer Space in the Light of the Outer Space Treaty, Part B;
- Wednesday 12.30 pm, Alsh 1: General Assembly
- Wednesday 3-6 pm, Alsh 1: E8.4. Legal Aspects of Natural Near Earth Objects (NEO's) / Other Legal Matters, Part A
- Thursday 10 am – 1 pm: 23rd IAA-IISL Scientific-Legal Roundtable
- Thursday afternoon (City Chambers): Moot Court finals
- Thursday evening (Oran Mór): annual IISL dinner
- Friday 10 am – 1 pm, Alsh 1: E8.5. Other Legal Matters, Part B;
- Friday evening: IAF Closing Banquet (IISL tables will be reserved for members with tickets)

Practical information:

Written paper

All authors have been informed whether their paper was accepted. **Detailed instructions can be downloaded from the IAF website, www.iafastro.com These instructions apply also to IISL papers.**

Before you can upload your papers, you must fill in the copyright form online. Please follow all instructions closely. **Note that there is a special copyright form for IISL papers.**

All papers must be uploaded by September 8, to be included in the **DVD** that will hold all IAC papers. If your paper is uploaded after that date, it can still be accessed online at the Congress.

This being the case, **it is no longer required to bring a large number of copies for distribution during the Colloquium** – although you are free to do so. **You must bring the number of copies required in the instructions, i.e. 5 if you have uploaded on time, and otherwise 10.**

The required number of copies must be available.
No paper = no presentation /no publication!

If for any reason your paper is NOT uploaded during the congress, you must still bring 75 copies, and upload as soon as possible but no later than 1 month after the Congress.

Although IISL papers will be included in the CD-rom, the IISL Proceedings, containing additional materials, will continue to be published by AIAA.

To be considered for publication, **the final version of your paper must be available not later than one month after the Congress.** In case you change your paper, the final version must be sent to:

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IISL Secretary
10509 Center Street, #100
Fairfax, VA 22030 - USA
Tel: 703-655-3813
Fax: 703-352-3000
secretary@iislweb.org

Note: This is an exception to the rule that all papers must be uploaded by the start of the Congress, and the extension is only to be used in special cases and after consulting the secretary. Papers that are not formatted according to the instructions will not be printed in the Proceedings.

Oral presentation

Speakers making use of Powerpoint must follow the instructions provided to all authors. Note that if you want your presentation to be uploaded, this must be done **at least one day before your session!** You may also bring your own computer and connect that, but you may not insert a CD or memory stick into the computer in the room.

Each speaker will have 15 minutes to present his/her paper.

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.

For information on the Glasgow Congress visit <http://www.iac2008.co.uk>

17th MANFRED LACHS SPACE LAW MOOT COURT COMPETITION

The 17th Manfred Lachs Space Law Moot Court Competition will be held during the Glasgow Colloquium. Semi-finals will be held at the Campanile Hotel on Tuesday 30 September (a CLOSED session). The Finals will be held on Thursday 2 October at the Glasgow City Chambers. Three Judges of the ICJ will judge the Finals: Judges Owada, Koroma and Tomka.

The Sterns and Tennen award for Best Oralist, the Eilene M. Galloway Award for Best Brief, the Manfred Lachs Trophy, and various plaques and certificates will be awarded.

For the **European** round, 9 teams participated in Riga, Latvia. In the **Asia Pacific** round, 26 teams took part in Sydney, and a domestic funding round was held in India. In **North America**, 8 teams competed in Washington, DC.

The **winners of the preliminary rounds** are

- University of New South Wales (Australia)
- University of Augsburg (Germany)
- Georgetown University, Washington DC (USA)

NASA, ECSL and JAXA will sponsor the winners of the regional rounds.

The team with the highest score for written briefs will go directly to the Finals, the other two teams will meet first in the Semi Final.

AWARDS & CERTIFICATES

The Board decided unanimously that a Lifetime Achievement Award will be presented to our Board member Prof. Francis Lyall (Scotland)

ELECTIONS

A Nomination Committee has been created to address the upcoming elections and will give its report in Glasgow. There are 5 directors/officers whose term ends in October 2008: Prof. Back Impallomeni, Prof. von der Dunk (Treasurer), Prof. Hobe, Prof. Kopal (Vice-President), Prof. Monserrat.

The Nomination Committee consists of Prof. Jonathan Galloway (Chair), Dr. Peter van Fenema and Prof. Toshio Kosuge. It will give its report in Glasgow.

NEW MEMBERS

The following individual members were elected:

ABENDSCHEIN, Mr. Karl
Berliner, Corcoran & Rowe, LLP
1101 Seventeenth Street, NW, Suite 1100
Washington DC, 20036
USA

ATEN, Mrs. Michelle Lara
National Center for Remote Sensing, Air and
Space Law
University of Mississippi School of Law
785 Shady Oaks Circle
Oxford, MS 38655 - USA

BELVISO, Mr. Luciano
Via Quintino Sella, 233
Bari, IT-70122
Italy

BLOUNT, Mr. Percy Judkins
National Center for Remote Sensing, Air and
Space Law
University of Mississippi School of Law
569 Lamar Law Center
University, MS 38677 - USA

BONIN, Mr. Jason
39 Prince George's Park, GSA
Blk 14, 06-34
Singapore 118431

CHATZIPANAGIOTIS, Mr. Michael
63 Taxilou Street
15771 Athens
Greece

HART, Mr. Brandon
USSTRATCOM, USAF
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USA

LEE, Mr. Eric
Dongguk University, Seoul, Korea
President of the YIJUN Institute of International
Law
56 Migaro, Kwangjin-gu #302
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Korea

MINEIRO, Mr. Michael
3704 Peel St. Room #1
Montreal, QC H3A-1W9

SERRAO, Mrs. Jacqueline Etil
National Center for Remote Sensing, Air and
Space Law
University of Mississippi School of Law
571 Lamar Law School
University, MS 38677 - USA

TRONCHETTI, Mr. Fabio
Johan de Wittstraat 1H
2334 AL, Leiden
The Netherlands

UNCOPUOS

Observers

Several members served as official IAF observers for the Legal Sub-Committee (31 March – 11 April 2008) and/or the Plenary Session (11-20 June 2008). The IISL was granted the status of Permanent Observer with the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) in April and starting next year, IISL members will serve as official IISL observers.

IISL/ECSL Symposium

IISL and ECSL again organized a Symposium for LSC delegates on 31 March-1 April 2008 on "Legal Implications of Space Applications for Global Climate Change." The Coordinators of the Symposium were Mrs. Jorgenson, Dr. Schrogl and Prof. Marchisio.

Session 1 was chaired by Amb. Peter Jankowitsch. Presentations were made by:
- Gerhard Loibl on "Legal Features of the Climate Change Convention: from Kyoto to Bali"
- Francesco Sarti on "Space Applications and Climate Change"
- Jose Monserrat Filho on "Legal Aspects of Cooperation for Space Monitoring of Climate Change and Sustainable Development"
- Joanne Irene Gabrynowicz on "Promoting Access to, and Exchange of, Data and Information related to Climate Change: the Legal Perspective"

Session 2 was chaired by Prof. Sergio Marchisio. Presentations were made by:
- Evangelina Oriol Pibernat on "Coordination Instruments and Satellite Observation of the Climate System: the Contribution of CEOS"
- Gisela Süss on "Monitoring the Environment for Climate Change: the Case of GMES"
- Masami Onoda on "Monitoring the Kyoto Protocol: Greenhouse Gases Observation & the Global Forest Carbon Monitoring System"
- Frans von der Dunk on "Legal Aspects of Climate Monitoring by Means of Treaty Law"

Prof. Vladimír Kopal, the chairman of the Legal Subcommittee, made the concluding remarks. Full papers as far as available will be published in our proceedings.

The Subcommittee agreed to invite IISL and ECSL to organize a symposium during the forty-eighth session of the Legal Subcommittee, in 2009.

Report on activities

IISL was again invited by the UN to present a report on its activities to the COPUOS. The report was written and presented by the President.

Highlights Report

In November 2007, the IISL submitted its contribution to the UN Highlights in Space report. It was prepared by Sylvia Ospina and Ingo Baumann. An invitation was sent to select members of the IISL and other members of the space sector, requesting their input in order to enhance the IISL's contribution to the UN Highlights in Space report. Several positive responses have been received so far, indicating willingness to cooperate in this endeavour. Dr. Ospina expects to receive substantive contributions in the near future.

52nd COLLOQUIUM IN DAEJEON, KOREA, 12-16 OCTOBER 2009

Session Program

- E8. 1: *Nandasiri Jasentuliyana Keynote Lecture on Space Law & 1st Young Scholars*
Chairs: Ms. Masson-Zwaan, Prof. Hobe, Rapporteur: TBD

In the first part, the IISL will invite a prominent speaker to address the members of the Institute and other congress attendants on a highly topical issue of broad interest. The Institute is proud to announce that H.E. Judge V.S. Vereshchetin, former Judge at the International Court of Justice, has accepted to deliver this inaugural Nandasiri Jasentuliyana Lecture.

After the break, this newly established annual event will be especially dedicated to the space lawyers of the future, in that young scholars (under 35 years old) are invited to present a paper on "Space Law – Future Challenges and Potential Solutions" but the IISL is also open to other topics.

- E8. 2: Peace in Space
Chairs: Prof. Rhee, Prof. Marchisio, Rapporteur: TBD

The session will deal with legal measures fostering transparency and the building of confidence between participants in the use of space

- E8. 3: Third Party Liability Issues in Commercial Space Activities
Chairs: Prof. Kosuge, Prof. Kim Doo Hwan, Rapporteur: TBD

The session will consider questions of third party liability in commercial space activities. Papers are invited to address the issue not only from the point of view of space law, but also from the point of view of other regimes, such as air law, nuclear law, etc.

- E8. 4: Legal Mechanisms for Encouraging Space Commerce
Chairs: Prof. Jakhu, Dr. Mosteshar, Rapporteur: TBD

The session will consider national and international measures that enable and foster or alternatively those that constrain enterprise in space business. How might current legal provision be improved?

- E8. 5: Legal Challenges to Earth Observation Programs with Particular Emphasis on Developing Countries

Chairs: Prof. Monserrat-Filho, Mr. Murthi, Rapporteur: TBD

The session will consider the development and potential improvement of national and international law on earth observation. Papers relevant to the needs of developing countries will be particularly welcome.

- E8. 6: Recent Developments in Space Law
Chairs: Prof. Back Impallomeni, Prof. Haifeng Zhao, Rapporteur: TBD

In this session, papers are invited to address the most recent developments that have taken place since the other session topics have been determined, i.e. since March 2008 only.

Plenary Session

IISL will propose to organize another Plenary Session.

24th IAA-IISL Scientific/Legal Roundtable

The IAA-IISL Scientific/Legal Roundtable will be held on the topic of "Assessing Commercial Human Spaceflight." The co-chairs will be Christophe Bonnal, CNES, and William Pomerantz, X-Prize Foundation.

Moot Court – IISL Dinner

The problem will deal with Military Uses and Weaponisation of Low Earth Orbit. Our members in Korea will help, with the LOC, in the organization of the Moot Finals & IISL Dinner.

ACTIVITIES/ PUBLICATIONS

IISL Proceedings

The Proceedings of the Colloquium held in Hyderabad have been published. An order is available on the IISL website.

Standing Committee on the Status of International Agreements Relating to Activities in Outer Space

The report will as usual be available on the website of the Institute.

Statutes

The revision of our Statutes is in progress.

Report of the Directorate of Studies

Prof. Hobe reported on the work and proposals of the IISL Directorate of Studies

IISL GROUPS ON LINKEDIN/FACEBOOK

The IISL has created an "IISL Group" on LinkedIn and on Facebook.

LinkedIn is an online network of more than 25 million experienced professionals from around the world, representing 150 industries. Members create a profile that summarizes their professional accomplishments. Their profile helps them find and be found by former colleagues, clients, and partners.

Facebook is a social utility that connects people with friends and others who work, study and live around them. People use Facebook to keep up with friends, upload an unlimited number of photos, share links and videos, and learn more about the people they meet.

The establishment of these IISL Groups will, especially if they continue to grow, ease intra-IISL communications both on a one-to-one level, and on a multi-lateral level, and considerably enhance the visibility of the IISL also in this virtual domain.

Members can join both groups via the links provided on the IISL website,

HOW TO ORDER PROCEEDINGS

IISL members are entitled to purchase copies of the Proceedings at a discount. 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 Publications Customer Service, P.O. Box 960, Herndon, VA 20172-0960, USA.
T: 703-661-1595; fax 703-661-1501
E: warehouse@aiaa.org
W: <http://www.aiaa.org/content.cfm?pageid=320>

Prices range from \$64.95 (US) for members to \$140 (US) for non-members.

The Hyderabad Proceedings are available at \$89.95 for members (excluding shipping charges).

**Some proceedings may be out of print.*