

INTERNATIONAL INSTITUTE OF SPACE LAW

94BIS AVENUE DE SUFFREN
75015 PARIS – FRANCE
www.iislweb.org



TEL: (33) 1 45 67 42 60
FAX: (33) 1 42 73 21 20
secretary@iislweb.org

NEWSLETTER No. 77 - FEBRUARY 2011

INTRODUCTION

This newsletter contains information about IISL activities and developments over the past months. We address several important events, some of which involve deadlines, and would like to call your particular attention to the following:

- Those who would like to serve as IISL observer at the UNCOPUOS Legal Subcommittee or the full committee (dates in this newsletter) should please contact secretary@iislweb.org without delay, but in any case before the end of this month.
- The deadline for online submission of abstracts for the 2011 IISL Colloquium in Cape Town next October is 2 March!
- We are setting up a pool of judges for the Manfred Lachs moot court competition.
- On 6-7 June the IISL co-organizes a space law conference in Jakarta; IISL members are welcome to propose papers.
- We are looking for volunteers for the IISL sponsorship committee.

GENERAL INFORMATION

Awards 2010

The IISL presented several awards to distinguished members of the space law community during the Annual IISL Dinner on 30 September 2010.

Firstly, **Prof. V. Kopal** (Czech Republic) received the IISL Lifetime Achievement Award. Prof. Kopal has a long and outstanding career in space law amongst others as Chief of the UN Office for Outer Space Affairs, Chairman of the Legal Subcommittee of COPUOS and General Counsel for IAF and IAA. In addition, he has taught space law for many years first at the Charles University of Prague, then at the University of Plzen. Prof. Kopal also is a longstanding Director and Vice-

President of the Institute, and has published widely on many issues of space law.

Secondly, **Dr. S. Ospina** (Colombia, United States) was awarded the Distinguished Service Award for her many contributions to the work of IISL, including the UN Highlights in Space Reports and the Manfred Lachs Moot Court Competition. Dr. Ospina is also a Director of the Institute, and a well-known author of many articles in the field.

Thirdly, **Dr. J.M. Contant** (France) received the Certificate of Appreciation. Dr. Contant serves as Secretary-General of the International Academy of Astronautics (IAA), and in that capacity has contributed greatly to the successful cooperation of IAA and IISL as implemented in particular with the IAA-IISL Scientific/Legal Roundtables since the 1970s but also through many joint IAA/IISL conferences and encouraging legal commentary in appropriate Academy meetings. Dr. Contant also guided and supported UN recognition of the IISL as UNCOPUOS observer.

Finally, the Dr. I.H.Ph. Diederiks-Verschoor Award for the best paper by a young author paper at the IISL Colloquium was awarded to **Mr. Philip De Man** (University of Leuven, Belgium), for his paper entitled "The Commercial Exploitation of Outer Space and Celestial Bodies - A Functional Solution to the Natural Resource Challenge".

Elections 2010

Election of Directors

The term of the following directors expired in 2010: Mrs. T. Masson-Zwaan (President), Mrs. C. Jorgenson (Executive Secretary), Prof. R. Jakhu, Dr. R. Lee, Prof. F. Lyall, Prof. S. Marchisio and Prof. K-U. Schrogl.

The Nominating Committee was composed of Dr. S. Doyle (Chair), Prof. P. Dempsey and Amb. P. Jankowitsch.

The Committee advised to re-elect all the above, given their important qualities and the services they have rendered and are expected to render to the IISL, except Dr. Ricky Lee who chose not to stand for re-election. In his place, the Committee

nominated Professor Steven Freeland of the University of Western Sydney, Australia. The vote resulted in the near unanimous re-election of Ms. Masson-Zwaan as President, re-election of Ms. Jorgenson as Executive Secretary, re-election of Prof. R. Jakhu, Prof. F. Lyall, Prof. S. Marchisio, and Prof. K.U. Schrogl as Directors, and the election of Prof. S. Freeland (Australia) as a new member of the Board.

Election of New Members

The Board approved last October the nomination of the following new members to the IISL:

Ms. M. V. Carminati (USA)
Mr. Michael Gold (USA)
Prof. Dr. J. Hikmahanto (Indonesia)
Mr. P. Holmes (Australia)
Mr. C. Johnson (USA, UK)
Mr. M. Jones (Australia)
Mr. B. Kasep (Australia)
Prof. Dr. Bin Li (China)
Ms. Zhuoyan Lu (China)
Mr. P. Messina (France)
Ms. L. Montgomery (USA)
Ms. E. Pennell (Australia)
Dr. D. Porras (USA)
Ms. M. Sanchez Aranzamendi (Spain)
Mr. K. Willock (Australia)

IISL CONFERENCES AND EVENTS

In 2010 and 2011, the IISL organized or will organize the following events.

UN COPUOS sessions and symposium 2010

During the 2010 session of the Legal Sub-Committee of the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS), the Institute along with ECSL, at the request of the Sub-Committee, organized a Symposium for the benefit of the members of the Legal sub-committee on the topic "National space legislation - crafting legal engines for the growth of space activities", on March 22nd 2010. It was co-ordinated by Board member Dr. Kai-Uwe Schrogl and the Executive Secretary of the Institute Ms. Corinne Jorgenson and was chaired by Ms. Tanja Masson-Zwaan, President IISL and Board member Prof. Sergio Marchisio, President, ECSL. The papers will be published in the IISL Proceedings. See also, for the program and a link to the presentations, <http://www.unoosa.org/osa/COPUOS/Legal/2010/symposium.html>

IISL was represented by several of its members in the official observer delegation to the legal sub-committee meeting in Vienna from March 22nd and April 1st 2010, and to the full committee, which was held in June 2010.

ISPRS / ESPI / IAA / IISL Conference Vienna, April 2010

The IISL co-hosted this conference in Vienna on 8-9 April 2010. The program focused on Earth observation data and the program included several speakers and panellists such as Prof. Kai-Uwe Schrogl, Prof. Frans von der Dunk, IAA colleagues as well as the IISL President and representatives from the International Society for Photogrammetry and Remote Sensing (ISPRS). The discussion focused on two issues: 1/ Privacy and 2/ Earth observation data for treaty monitoring. An extensive report has been published by ESPI, see http://www.espi.or.at/index.php?option=com_content&task=view&id=479&Itemid=37.

1st IISL-IAA Symposium on "Space Law and Policy", May 2010

This one-day event was held in Washington, DC, on May 11, 2010 by the IISL and the IAA in partnership with Secure World Foundation, Arianespace, and the European Space Policy Institute to kick-off the 50th Anniversary for both IISL and IAA. The symposium examined the breadth and reach of space regulations on international and U.S. activities —civil, commercial and governmental. A report has been published in Space Policy and is available on the website of the IISL, <http://www.iislweb.org/docs/SpacePolicyJournal-SpaceLawPolicy2010.pdf>.

Global Lunar Conference, Beijing May/June 2010

The IAF Global Lunar Conference was held in May/June in Beijing. The IISL assisted in selecting abstracts for the legal session, which the President chaired. See for more information: <http://www.iafastro.com/index.html?title=GLUC>. The papers will be published in the IISL Proceedings.

Eilene M. Galloway Symposium on Critical Issues in Space Law 2010

The 5th Eilene Galloway Symposium was held in Washington DC on 2 December 2010, on the topic "Article IX of the Outer Space Treaty and Peaceful Purposes: Issues and Implementation." A report and several of the papers presented will be published in the IISL proceedings. Podcasts and presentations are available at http://www.spacelaw.olemiss.edu/event_Galloway2010.html.

The 6th Eilene Galloway Symposium will take place in December 2011, in the Cosmos Club in Washington DC.

53th Colloquium in Prague, Czech Republic, 27 September – 1 Oct. 2010

The 53rd IISL Colloquium was held from 27 September - 1 October in Prague, Czech Republic. This colloquium marked the 50th anniversary of the IISL, and a celebration cocktail with champagne and a huge IISL cake was held on the first day, with kind support from ESA.

The IISL has received about 90 abstracts, which was a great success and over 30 abstracts in the Young Scholars session, some of which were presented as posters. The papers in this session will be published in a separate publication. The 5 sessions addressed the following topics: (1) Nandasiri Jasentuliyana Keynote Lecture on Space Law & 1st Young Scholars Session, (2) 30 Years of the Moon Agreement: Perspectives (3) Legal Aspects of Space Security, (4) Current Status of the Rule of Law with regard to Space Activities, (5) Recent Developments in Space Law.

In addition, the 25th Scientific/Legal Roundtable was held on 'Assessing Commercial Human Spaceflight', and IISL also organised a joint session with the IAF on 'Legal Framework for Collaborative Human Space Missions'.

A report of the Colloquium can be found at http://www.iislweb.org/docs/2010_IISL_Proceedings.pdf

The Annual IISL dinner for members and invited guests was held on Thursday 30 Sept. following the Moot Court Competition. The dinner took place at the Restaurant Na Spilce in Pilsen.

19th Manfred Lachs Space Law Moot Court Competition

The World Finals of the 19th [Manfred Lachs Space Law Moot Court Competition](#) were held during the Prague IISL Colloquium. The winners of the three regional rounds addressed the "Case concerning Suborbital Tourism, Definition of Outer Space and Liability (Aspirantia v. Republica).

Semi-finals were held on Tuesday 28 September (a closed session) and the Finals were held on Thursday 30 September 2010 in the afternoon, at the Regional Court of West Bohemia in Pilsen, Czech Republic.

Judges A. Koroma, P. Tomka and L. Skotnikov of the International Court of Justice judged the Finals. The case was written by Dr. Peter van Fenema (The Netherlands). The semi-final judges were Dr. Peter van Fenema (The Netherlands), Prof. Dr. Jonathan Galloway (United States), and Prof. Steven Freeland (Australia). All information about the 2010 World Finals, including a video of the finals and a link to the Moot Court brochure can be accessed via <http://www.iislweb.org/html/2010moot.html>.

Organizations that supported the World Finals are: Univerzita Karlova V Praze, ECSL/ESA, JAXA, SWF, Martinus Nijhoff Publishers, IAF, CSA Czech Airlines, Kocian Solc Balastik. The IISL is most grateful to all of these generous sponsors.

Special mention should be made of the institutions that supported the winners of the three regional rounds, allowing the students to come to the IAC to compete in the World Finals: ECSL/ESA, JAXA and SWF. The IISL is fortunate to benefit from their continued support, which has enabled many students over the years to take part in this exceptional competition, the only one of its kind to be judged by sitting members of the International Court of Justice.

The results of the World Finals were as follows:

- Winning team/Lee Love Award: George Washington University (USA)
- Runner-up: National University of Singapore (Singapore)
- Second runner-up: University of Cologne (Germany)
- Sterns & Tennen Award for Best Oralist: Ms. Ying Li Zanetta Joan Sit, National University of Singapore
- Eilene Galloway Award for Best Brief: National University of Singapore

UN COPUOS, sessions and symposium 2011

On the occasion of the 50th Session of the Legal Subcommittee of the UNCOPUOS in March 2011, the IISL and ECSL will organize the annual Symposium for delegates of the Legal Subcommittee. The topic for 2011 is "A new look on the delimitation of airspace and outer space." The presentations of the previous Space Law Symposium on "National Space Legislation – Crafting Legal Engines for the Growth of Space Activities" are available on the UNOOSA website. The papers of these symposia are published in the IISL Proceedings.

Delegates

Members who would like to attend the session of the Legal Subcommittee (28 March - 8 April) or the plenary session of UNCOPUOS (1-10 June) as IISL Observers are requested to send an email to secretary@iislweb.org before March 4.

Report on IISL activities

IISL was again invited by the UN to present a report on its activities to the COPUOS. The report was written by the Executive Secretary, Corinne Jorgenson and will be presented by the President, Tanja Masson-Zwaan.

[UN Highlights in Space Report](#)

In December 2010, the IISL submitted its contribution to the UN Highlights in Space report. Dr. Sylvia Ospina edited the report, with help from various other members of the Institute. The report for 2009 is available at the website of UN OOSA: http://www.oosa.unvienna.org/pdf/publications/st_space_46.pdf

IISL-ISIL Conference, Jakarta, 6-7 June 2011

On 6-7 June 2011, the IISL will co-host a conference with the Indonesian Society of International Law. The conference is entitled "The Role of Law in an Asian Space Age: Institutions and Applications". The conference follows immediately after the 2011 Asia-Pacific Regional Round of the Manfred Lachs Space Law Moot Court Competition. This arrangement provides a unique opportunity for both students and speakers to interact at multiple levels. Please contact Mr. Jason Bonin at jason.bonin@gmail.com for more information as to how to participate in this event. More information about the conference is available at: http://www.iislweb.org/html/20110108_news.html.

54th Colloquium in Cape Town, South Africa, 3 – 7 Oct. 2011

REMINDER: Abstracts must be submitted online before March 2 (see www.iafastro.org).

[Session Program](#)

The following sessions will be held:

E8.1: Nandasiri Jasentuliyana Keynote Lecture on Space Law & Young Scholars Session

In the first part of this session, 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 second part of this session 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. Note: All young scholars are requested to submit their paper to THIS session ONLY.

Chairs: M. Andem, T. Masson-Zwaan

Rapporteur: D. Howard

E8.2: Legal issues of commercial human spaceflight.

It looks like the first proper sub-orbital spaceflights for tourists will soon take off, possibly within a few years being offered by various operators from a number of places around the globe. This session will deal with legal and regulatory issues of commercial spaceflight, both on an international and on a national level. Such issues would e.g.

include liability, certification and safety requirements, as well as issues related to the spaceflight services private operators may start offering to public customers.

Chairs: S. Freeland, F. von der Dunk

Rapporteur: M. Dodge

E8. 3: Africa: Space Law and Applications - Past, Present, and Future

Africa is an emerging space faring continent. This Session addresses Africa's past and current activities in remote sensing, telecommunications, launch, and GPS/GNSS and the law and regulations catalyzed by these activities. Among these will be remote sensing in Morocco and Nigeria; launches in Algeria, Kenya, and South Africa; and, telecommunications continent-wide. This session will also look to the future and consider the role of space law in developing nations.

Chairs: T. Brisibe, J. Gabrynowicz

Rapporteur: L. Makapela

E8. 4: Environmental Aspects of Space Law and of Space Activities

It is well known that the international legal order for space activities has come into existence before international environmental law began to develop. Therefore, it seems to be useful of taking stock of existing international (space) law with regard to environmental protection for space as well as for space activities. The session aims at an investigation into the existing *lex lata* of environmental protection for space activities and at making proposal *de lege ferenda*. Thereby, the interaction between space law and general international law should be taken into consideration

Chairs: B. Schmidt-Tedd, M. Mejia Kaiser

Rapporteur: U. Dasgupta

E8. 5: Recent Developments in Space Law

In this session, papers are invited to address legal aspects of the most recent developments in space activities that have taken place since the other session topics were determined, i.e. since March 2010 only. In addition, papers are invited to address two special issues. Firstly, this concerns the legal aspects of GNSS, and secondly, Articles 6 and 7 of the Outer Space Treaty.

Chairs: S.-M. Rhee, L.J. Smith

Rapporteur: A. Oprong

[26th IAA-IISL Scientific/Legal Roundtable](#)

The IAA-IISL Scientific/Legal Roundtable will be held on the topic "Space Debris Environment Remediation," and reflect the results of the completed International Academy of Astronautics

(IAA) Cosmic Study chaired by H. Klinkrad and N. Johnson.

2011 Manfred Lachs Moot Court Competition

New appointments; many registered teams, two new regions involved; website and available resources for students improved; establishment of a pool of judges envisaged

Dr. Leslie Tennen and Dr. Martha Mejia-Kaiser were appointed as co-chairs of the moot court committee, and Mr. Jason Bonin was appointed as the regional organiser for the Asia Pacific competition.

The World Finals of the 20th Manfred Lachs Space Law Moot Court Competition will take place during the Cape Town congress. The [Problem](#) for 2011 is titled the “Case concerning Environmental Contamination and Harmful Interference in Space Activities (Zuris v. Nova Freedonia”.

We are pleased that teams from all over the world have registered for the regional preliminaries.

Besides North American, European and Asia Pacific teams, **South America** participates for the first time in the North American round, under special invitation.

Also, for the first time ever, the IISL will bring this competition to **Africa**, where up to five teams will participate in the “African Introductory Round”. This round will take place during two days in Cape Town before the start of the IAC. The IISL has appointed a team of two young African space lawyers to assist the IISL Moot Court Committee in the organization of this event.

The 2011 **Asia-Pacific** regional round has undergone major re-organization. The round will for the first time be held in Jakarta, Indonesia from 3 to 5 June and is organized by Mr. Jason Bonin. As part of our exploration to broaden the engagement between students and space, the round will be followed by a space law conference on 6-7 June (see above).

In order to cope with this expanded participation, the IISL Moot Court Committee is creating a **pool of judges** for the Competition. Judging is required for different dates, different regions, and different levels. If you are interested in serving as a judge, please send an email including your biographic data to:

Dr. Martha Mejia-Kaiser, Co-Chair of the Manfred Lachs Moot Court Committee, lachsmootchair2@iislweb.org.

A last development that we would like to highlight is the work that has been done to improve the **moot court webpages** on the IISL website. Information has been restructured, expanded, and, most importantly, a major new resource

page has been added, including videos of several world finals. Work on the webpages is still ongoing, and a special moot court logo is being designed. Also, we are proud to report that **special access for all registered teams to all IISL papers since 2005** has been arranged in cooperation with our partner the IAF. We believe that this new and unique new feature will further help to increase the impact of this competition, now in its 20th year.

To learn more about all these developments, we encourage you to regularly check updates on the new Lachs Moot Court website at: <http://www.iislweb.org/lachsmoot/>

IISL COMMITTEES

In order to more actively engage members and Board members, the Executive Secretary initiated a review of current committees and the creation of new ones.

Current committees include the Membership Committee, Awards Committee, Diederiks-Verschuur Award Committee, Moot Court Committee, Publications Committee, Sponsorship Committee, and UN Highlights in Space Committee, Audit Committee, Directorate of Studies, Standing Committee on the status of the space treaties, and Nominating Committee.

In addition, several program committees were created: the COPUOS Symposium Program Committee, Eilene Galloway Symposium Program Committee, and IISL-IAA Symposium on Space Law and Policy Program Committee.

Standing committee

The IISL Standing Committee on the Status of International Agreements relating to activities in Outer Space continues its useful work. Dr. A. Terekhov chairs the standing Committee. The [Reports](#) of this committee are published in the Proceedings of the Colloquia and on the website of the Institute.

Members' participation in committees

An email has been sent in the Summer 2010 to invite all members to participate in the various IISL committees. All the committees are now up and running but the **Sponsorship** Committee. If you are interested to join this committee, please email secretary@iislweb.org.

IISL PUBLICATIONS

Re-publication of Manfred Lachs' book

On the occasion of its 50th anniversary, the IISL has republished a book by former IISL President Judge Manfred Lachs (“The law of outer space, an experience in contemporary law-making”,

1972). See
http://www.iislweb.org/html/20101005_news.html.

Other planned publications

The IISL is currently working on a “Pioneers of Space Law” book.

A book with the papers of the 2010 Young Scholars session is being prepared and will be published with support of ISRO.

IISL 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>
(select ‘IISL’ under ‘organisations’).

The 2009 IISL Proceedings are available at \$89.95 for members and \$ 180 for non-members, excluding shipping charges. Go to http://www.iislweb.org/docs/2009_IISL_Proceedings_OrderForm.pdf for an order form. The 2010 IISL Proceedings will be available for purchase this summer.

**Some proceedings may be out of print.*

Website and PR

The IISL website has been expanded with an online members database, where members can verify and correct their personal data, and register for IISL events. The new tool has been launched just prior to the Prague congress and is expected to facilitate management of events and ascertain an up-to-date database.

Biographies and photographs of Board members have been added to the website, gradually improving visibility throughout the year.

Recent updates about space law related developments or IISL activities have been posted in the ‘News’ section.

A new moot court website has been hosted at the IISL site, with associated new email addresses for the competition.

Several Press releases have been sent out, and a new brochure is being prepared.

Please visit

WWW.IISLWEB.ORG

for more information