

## NEWSLETTER No. 43 - NOVEMBER 1992

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### **I. THE 35TH IISL COLLOQUIUM WASHINGTON DC, USA, 28 AUGUST-5 SEPTEMBER 1992**

The 35th Colloquium on the Law of Outer Space was held in Washington DC, USA, from 28 August to 5 September 1992. The Colloquium was attended by some 100 participants, and about 80 papers were registered. A report of the Colloquium will, as usual, appear in the Journal of Space Law. The following sessions were held:

Tuesday 1 September, morning:

Session 1 Emerging and future supplements to space law, specifically in the context of the International Space Year - Chairman: Dr. C.Q. Christol (USA)

Tuesday 1 September, afternoon:

Session 2 Legal regulation of economic uses of outer space - Chairman: Dr. V. Kopal (Czechoslovakia)

Thursday 3 September, morning:

Session 3 Managing environmental issues, including space debris - Chairman: Dr. N. Jasentuliyana (United Nations/ Sri Lanka)

Friday 4 September, morning:

Session 4 Other legal subjects - Chairman: Dr. E. Fasan (Austria), who replaced Dr. B. Bakotic (Croatia) who could not come.

Another important feature of this colloquium was the "Special Event" which had been organized by the Association of US Members of the IISL (AUSMIISL). The event consisted of an excursion to the Library of Congress and the US Supreme Court, and it hosted the first IISL Space Law Moot Court Competition. The problem dealt with the rescue and return of a non-functioning satellite, liability for damage and competing ownership claims. The

competition was judged by three distinguished members of the International Court of Justice, viz. Judge G. Guillaume, Judge S. Schwebel, and IISL President Judge M. Lachs. The winning team consisted of *Mr. S. Alexandrov* and *Mr. T.H. Cohen* of the George Washington University National Law Center. The IISL Board of Directors has decided to continue the IISL Moot Court Competition in the future, and work has begun to organize the 1993 competition at the next IISL Colloquium in Graz, Austria. The Problem of the 1992 competition and an abstract of the winning briefs will be published in the Proceedings.

The meeting of the Scientific/Legal Round-table was held in the afternoon of Thursday 3 September and dealt with Exploration and Uses of the Moon and other Celestial Bodies. The papers which were presented and a report will be published in the proceedings.

The Proceedings of the Washington Colloquium will be published by the AIAA .

The Board meeting was held after the second session on 1 September, and the General Assembly of Members after the last session, on Friday 4 September. The following paragraphs summarize both these meetings.

#### **i. General**

In his opening statement to the General Assembly, President *Manfred Lachs* stressed that law must follow science where possible, and that the need for new law is still growing. At present, there are some thousand agreements between some hundred states, and some hundred states cooperate in space through the Outer Space Treaty of 1967. But more progress is required. The IISL should adopt a more aggressive attitude towards the solution of legal issues which confront us, and play a

role similar to that of the Institut de Droit International or the International Law Commission, to which IISL Vice-President *Dr. V.S. Vereshchetin* was recently elected. The President expressed his warm congratulations to *Dr. Vereshchetin* at this occasion, and expressed the hope that his election would lead to an increased interest in space law within the ILC. The President further noted that 1992 had not seen much progress in space law, except for the adoption of the NPS principles by the UNCOPUOS, which constitutes a major step forward. He expressed the hope that the UN GA would approve the Principles. But more is needed, specifically in the field of space debris, where the IISL made some progress in the Scientific/Legal Liaison Committee and Roundtable meetings. Another issue that urgently requires attention is the settlement of disputes regarding space activities. There is no international instrument, no special institution to deal with such disputes. In most cases, disputes are settled domestically, and this carries the risk of varying decisions. The President held that the establishment of an international organ is essential. Also, the issue of property rights requires attention by the institute. The law lags behind the facts in this field, and we need to address issues like copyright, patents, etc. But these topics are only examples; there are many more. The President concluded that the IISL must become a real institute for the development of law and a viable partner of science to justify its existence. The President finally welcomed the initiative taken by the US IISL members to organize a space law moot court competition, which was judged by three members of the ICJ, among whom the President, and he expressed the hope that this competition would be continued beyond 1992. He especially thanked *Dr. Skip Smith* and *Lt. Col. Ken Schwetje*, who had both done a lot of work to realize this competition.

## ii. Activities

- Space law materials project: *Dr. N.M. Matte* and *Dr. Kuo Lee Li* have compiled a comprehensive feasibility study regarding this project, which the Board adopted last year in Montreal at the suggestion of the President (see previous Newsletters). On the basis of this study and subsequent discussions, the Board has decided

to commence discussions with a publisher. The idea is to create a committee similar to the Standing Committee on Space Law Treaties, where each country concerned has a representative who keeps the committee informed of cases regarding space activities in his country. Interested IISL members are invited to contact the Secretary if they wish to participate in this project.

- Working group project: With regard to this second project which the Board adopted in Montreal (see previous Newsletters), *Prof. Gorove* announced that a working group had been established consisting of *Prof. Böckstiegel*, *Dr. Vereshchetin* and himself, to determine if certain basic concepts and terms used in the five COPUOS drafted international space agreements need clarification, and, if so, to identify the relevant issues, policy considerations and alternatives. The Group will consider such terms as 'outer space', 'space object', 'space activity', 'space debris', 'launching state', 'international responsibility and liability', and, if possible, will submit a draft report to the forthcoming colloquium. Here also, interested IISL members are invited to contact the Secretary if they wish to participate in this project, or if they wish to submit proposals for the establishment of other working groups to the Board.

- Standing Committee on Space Law Treaties: The Committee's new chairman *Dr. A. Terekhov*, presented his report which will be published in the Washington Proceedings. The President expressed his appreciation for the fact that *Dr. Terekhov* had succeeded in drafting the report in such a short time since his appointment, and also again thanked *Dr. Doyle* for his previous efforts.

- Proceedings/Brochure: *Dr. Menter* reported on the negotiations regarding a new contract for the publication of the Proceedings with the AIAA. The major change, approved by the Board, will be that as of the 1993 Colloquium, members and authors will no longer get free copies of the Proceedings if their paper is published, but will have to pay for them, because the free copies cost too much. He stressed that members would of course still get a discount price. *Dr. Menter* also mentioned that

the new brochure is now available. A copy is enclosed with this newsletter. A new edition will be prepared for next year.

- New IISL publication: a book entitled "Space Law: Development and Scope", edited by *Dr. N. Jasentuliyana*, has been published in honour of *Dr. Eilene Galloway* by Praeger Publishers in New York. The book carries a foreword by IISL President Judge Lachs, and a dedication to *Dr. Galloway* by the IISL President Emeritus, *Prof. Dr. Isabella Diederiks-Verschoor*, as well as contributions by knowledgeable IISL Members on various topical issues of space law. The price of the 312 page book (ISBN 0-275-94036-5) is \$55 and may be ordered from:

GPG  
88 Post Road West, Box 5007,  
Westport, CT 06881, USA  
Fax. (1) 203 - 222 1502.

### **iii. Financial situation**

The Report of the Treasurer, *Dr. Bourély* shows that the financial situation of the Institute is as follows:

French account: Balance (10 July 1992):

FF 1,221.61 (Plus FF 30,000 in bonds)

US account: Balance (August 1992):

US\$ 12,606.99

The Institute is most grateful for the annual support of the Centre National d'Etudes Spatiales (France) and the Association of US Members of the IISL. Furthermore, the contributions of other bodies and individuals are appreciated.

### **iv. Financial Committee & Membership Committee**

*Dr. M. Bourély* prepared two reports with regard to the activities of both these committees which had been established by the Board at its Montreal meeting last year. Since the Board had not yet reached a unanimous decision on the issues raised by these reports, it requested the General Assembly to approve the principle of the establishment of membership dues by adopting a resolution to that effect. The text of the resolution, which was adopted unanimously, read as follows: "It

is resolved that the IISL Board is authorized to establish reasonable membership dues with authority to make exceptions in special cases in the interest of the Institute". Thus, the Board will continue its considerations regarding this important matter, and would indeed be grateful to receive input from the Members. Suggestions should be sent to Paris before 1 March 1993. Copies of the two reports may be obtained from the Secretary.

### **v. Amendment of Statutes**

Since no final decision was taken on the matter of dues, this matter could not yet be decided. But the Board has appointed a small committee to draft amendments to the statutes and to prepare a general review and up-dating of the articles, and Members are encouraged to send their comments in writing to the Secretary before 1 March 1993. Copies of the current statutes may be obtained from the Secretary.

### **vi. Election of Directors**

The terms of the following Directors had expired in 1992: *Dr. M. Bourély*, France, *Prof. Dr. V. Kopal*, Czechoslovakia, *Prof. Dr. R. Müller*, Germany, *Dr. N. Jasentuliyana*, UN/Sri Lanka, and *Prof. Dr. N.M. Matte*, Canada. The Nomination Committee consisted of *Prof. Dr. I.H.Ph. Diederiks-Verschoor* (Chairman), *Dr. F. K. Schwetje* (USA) and *Dr. I. Kuskavelis* (Greece). The report of the Committee was presented by *Dr. E.M. Galloway* because the chairman was indisposed, and recommended in the first place to re-elect the following active members of the Board: *Dr. M. Bourély*, France (as Board Member/Treasurer), *Prof. Dr. V. Kopal*, Czechoslovakia, *Dr. N. Jasentuliyana*, UN/Sri Lanka, and *Prof. Dr. N.M. Matte*, Canada. Secondly, the Committee recommended to replace *Prof. Dr. R. Müller* by *Prof. Francis Lyall*, UK, since the former GDR now forms part of the FRG which is already represented on the Board, and thirdly, the Committee recommended to nominate *Dr. E. Wyzner*, former IISL Director and for many years the eminent chairman of the UN Legal Subcommittee on Outer Space, as Honorary Director. These recommendations of the No-

mination Committee were adopted by the General Assembly.

### **vii. New members**

The following new members were elected in Washington:

Prof. Daniel P. Byrnes  
527 Frontera Drive  
Pacific Palisades, California 90272  
USA

Capt. Ariane L. DeSaussure  
6345 Battlefield Way  
Alexandria, Virginia 22312  
USA

Mr. Paul Fauteux  
Deputy Director, Legal Operations Division  
Dept. of External Affairs  
124 Sussex Drive  
Ottawa, Ontario K1A 0G2  
CANADA

Dr. Stephan Hobe  
Laurentiusstrasse 24b  
5330 Königswinter 1  
GERMANY

Mr. Paul Michael Krämer  
Rhöndorfer Strasse 8/24  
5000 Cologne 41  
GERMANY

Mr. Michael A. Potter  
Director, Icomet  
2000 16th Street N.W. # 501  
Washington DC 20009  
USA

Mr. Mathias Spude  
DARA  
Königswinterer Strasse 522-524  
5300 Bonn 3  
GERMANY

Ms. Birgitta Staudt  
Nesselroder Strasse 27  
5300 Bonn 3  
GERMANY

### **viii. Certificates and Awards**

An IISL certificate was awarded to *Mr. P. Dembling* (USA) during the official award ceremony of IAF, Cospar and IISL on Thursday 3 September 1992.

## **II. THE 36TH IISL COLLOQUIUM** **GRAZ, AUSTRIA,** **16-22 OCTOBER 1993**

### **i. Topics and chairmen**

The following sessions will be held:

Session 1 Legal aspects of space activities of organisations of the UN System and other international organisations (e.g. ICAO, WMO, WHO, FAO, IAEA, ITU); Chairman: *Dr. P. Jankowitsch*, Austria

Session 2 Adjudication and arbitration of disputes regarding space activities; Chairman: *Dr. W. Wirin*, USA

Session 3 Legal aspects of space insurance; Chairman: *Prof. T. Kosuge*, Japan

Session 4 Recent developments in space law, with special emphasis on Nuclear Power Sources; Chairman: *Prof. F. Lyall*, UK.

The Secretary is the Coordinator for all four sessions. Rapporteurs will be appointed at a later time. Members who are interested to serve as rapporteur are requested to contact the Secretary before March 1, 1993.

There will also be a Scientific/Legal Round Table session dealing with Legal Aspects of Space Debris. This session will be jointly chaired by *Judge Lachs* and *Mr. Kane*, and *Dr. Kopal* is the Coordinator.

### **ii. Practical**

It was decided to continue to require authors to submit an abstract for approval by the Board before an IISL paper may be accepted for the colloquium. Also, the chairmen will invite a few papers to cover all aspects of the subject,

and additional papers may be proposed by members and others.

The procedure that must be followed for the submission of abstracts is as follows:

- Each author must submit an abstract as per the instructions provided on the last two pages of the 1993 IAF Call for Papers (attached to this Newsletter), giving the full name, address, telephone, telex and fax numbers of the author and co-authors, and address the original of the abstract to the IAF Paris Headquarters (same address as IISL), and one copy to the IISL Secretary and one copy to the session chairman. Abstracts in English must reach the addresses by 1 March 1993 at the latest! For organizational reasons and to ensure publication of the abstract in the Book of Abstracts, it is obligatory to use the abstract form which is attached to this Newsletter!

- The decision on acceptance will be made at the Spring meeting in April 1993. Authors will be notified of acceptance in May 1993.

- Authors are requested to send two copies of their papers, upon completion, in whatever form then available, to the Paris headquarters' office.

- The full text of the papers must be typed in two columns, in English, on regular paper.

- Precise instructions regarding lay-out etc. will be provided by Mrs. Jeanne Godette, Managing Editor Book Publications, AIAA, 370 L'Enfant Promenade, S.W., Washington, D.C. 20024, USA, who will mail the author's instructions kits and indicate the deadline for submitting the paper for publication.

- Authors should bring 50-100 copies of their paper for distribution at the Colloquium.

- Acceptance of a paper for the Colloquium does not imply publication in the Proceedings.

- Starting with the Proceedings of the 1993 Colloquium, an author whose paper is published in the Proceedings will no longer receive a free copy of the Proceedings, although he will be entitled to a reduced price.

### **iii. Moot Court Competition**

The Board approved the idea to organize a follow-up to the *Moot Court Competition* which was organized by the AUSMIISL in 1992. The Board appointed a committee to arrange the details of the competition. A meeting was held in Washington during the congress, and work has begun to realize a 1993 competition between a US and a European team. AUSMIISL and ECSL will cooperate with the IISL in this project to organize preliminary competitions in the US and Europe. The 1993 problem will deal with mining on the moon and NPS. Copies of the problem may be obtained from the Secretariat. After the 1993 competition, the Board may decide to extend the scope of the competition to other parts of the world. The idea is to combine the Graz final with a cocktail, so that members can meet in a small environment within the large congress setting.

### **III. THE 37TH IISL COLLOQUIUM JERUSALEM, ISRAEL, 9-14 OCT. 1994**

Regarding the topics for the 1994 Colloquium, Members are strongly encouraged to suggest topics to the Board; suggestions must be received in Paris by 1 March 1993, since the Board will decide on these topics at its Spring meeting.

### **IV. COPUOS MEETINGS**

The 1993 session of the COPUOS Legal Subcommittee and the 1993 Plenary session of COPUOS will both be held in New York. *Prof. Hamilton DeSaussure* and *Dr. Martin Rothblatt* will be appointed as official IAF observers for the Legal Subcommittee which will take place from 22 March to 8 April 1993, whereas *Prof. Stephen Gorove* and *Prof. Jonathan Galloway* will be appointed as official IAF observers for the Plenary UNCOPUOS session from 7-18 June 1993.

### **V. INPUT FOR NEWSLETTERS**

The Board invites Members to submit relevant information to the Secretary for inclusion in future issues of the Newsletter (e.g. news about symposia, national legal developments, COPUOS developments, etc.). In order to be included in the next Newsletter, which will be issued after the Spring Board Meeting, such information must have been received by the Secretary by 1 March 1993. The Board preserves the right to decide which information will be published.

- In this context, *Prof. C.Q. Christol* reported that he has been elected an Honorary Member of the Japanese Society for the Study of Law and Policy on Space Utilization (SOLAPSU) in March 1992, at the occasion of a Colloquium on Legal Aspects of Aerospace Planes, where he as well as the IISL Secretary and several other speakers made a presentation.

- The Board of Editors of the journal "*AIR & Space LAW*" reported that it recently decided to extend the scope of the journal, which was formerly called "Air Law", to include space law. Since 1975, "Air Law" has published topical information on aviation policy and the civil, commercial, administrative, criminal and financial aspects of air law. As of now, the Board of Editors invites contributions on space law for the journal. Articles should focus on the practical aspects of space law, such as insurance, contracts, telecommunications, dispute settlement etc. They should ideally cover 7 printed pages and must be submitted on disk and paper to Kluwer Law and Taxation Publishers, "AIR & Space LAW", P.O. Box 23, 7400 GA Deventer, The Netherlands, tel. (31)-5700 47261, fax (31)-5700 22244. The Publisher will also provide detailed author's instructions on request.

- *Dr. S. Estradé* (Spain) has written an open letter to IISL Members regarding the activities of the recently established "Aeronautic and Space Law Section" of the Barcelona Bar Association, to which he was elected President in April 1992. The Section offers courses to practitioners and students, supplementing their training with courses. An overview of past space law courses is provided. Dr. Estradé is interested in learning whether this system of practical courses given within a professional

bar association is followed elsewhere. A copy of his letter may be obtained from the Secretary.

## **VI. CONTRIBUTIONS**

Although the IISL does not (yet) raise any membership fee, the costs and efforts required to ensure the proper functioning of the Institute are considerable. Members are therefore reminded that voluntary contributions to the Institute are most welcome. Contributions in US\$ may be sent to Dr. Eilene Galloway, 4612, 29th Place N.W., Washington, D.C. 20008-2105, USA. Contributions in any other currency may be made by bank transfer to the Européenne de Banque, ESA Building, 3-5, rue Mario Nikis, 75015 Paris, France, account no. 100 435 401 01, c/o 'Sté.F.D.A.S.', mentioning "IISL Contribution".

## **VII. HOW TO ORDER PROCEEDINGS**

IISL members are entitled to purchase copies of the Proceedings at a substantial discount. The Proceedings of the first eight IISL Colloquia are out of print. The Proceedings of the 9th-21st Colloquium (1966-1978) are available from *Fred B. Rothman and Company*, 10368 West Centennial Road, Littleton, Colorado 80127, USA. They cost US\$27.50 each, except those of the 20th and 21st Colloquia, which cost US\$32.50.

Issues from 1979 are available from AIAA/TASCO, 9 Jay Gould Court, P.O.Box 753, Waldorf, Maryland 20604, USA. Issues from 1979 through 1984 retail for US\$50 an issue (US\$25 for IISL members); issues from 1985 through 1991 retail for US\$59.50 an issue (US\$29.50 for IISL members). For orders from AIAA/TASCO, payment must accompany an order when total purchase is under US\$50.

### **VIII. MEMBERSHIP LIST**

The Secretary would be grateful to be informed of the address of the following persons: *L.I. Degville, M.J. Due, C.G. Hasselman, G. Jacquemin, L.C. Levin, H. R. Marshall, G. Meloni, F.A. Pereira, A.W. Stoebner, K. Wiewiorowska.*

The Secretary intends to compile a comprehensive list of members' addresses, telephones, faxes etc., and herewith requests members to fill in the enclosed IISL Information sheet and to return it as soon as possible to the Secretariat.

# IISL INFORMATION SHEET

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**IMPORTANT:** PLEASE SEND ALL ADDRESS CHANGES TO THE IISL OFFICE IN PARIS AT THE ABOVE ADDRESS. MEMBERS OF THE AUSMIISL ARE REQUESTED TO SEND ADDRESS CHANGES BOTH TO IISL-PARIS AND TO THE AUSMIISL SECRETARY

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## 1. PERSONAL INFORMATION

TITLE: (MR./MS./MRS./DR./PROF/OTHER)-----  
FIRST NAME-----  
MIDDLE INITIAL-----  
LAST NAME-----  
DATE OF BIRTH (OPTIONAL)-----  
IISL MEMBER SINCE-----  
SPECIAL AREAS OF INTEREST-----  
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## 2. COMPANY INFORMATION

ORGANIZATION-----  
DIVISION/DEPARTMENT-----  
JOB TITLE-----  
ADDRESS-----  
MAIL CODE-----  
CITY-----  
STATE-----  
ZIP CODE-----  
COUNTRY-----  
TELEPHONE (INCL. COUNTRY CODE & AREA CODE)-----  
FAX(INCL. COUNTRY CODE & AREA CODE)-----  
TELEX-----  
ELECTRONIC MAIL-----

## 3. HOME ADDRESS

NUMBER & STREET-----  
CITY-----  
STATE-----  
ZIP CODE-----  
COUNTRY-----  
TELEPHONE (INCL. COUNTRY CODE & AREA CODE)-----  
FAX (INCL. COUNTRY CODE & AREA CODE)-----  
TELEX-----  
ELECTRONIC MAIL-----

**MAILING PREFERENCE:** -----ORGANIZATION/HOME\*



\* TICK AS APPROPRIATE