

NEWSLETTER No. 45 - DECEMBER 1993

I. THE 36TH IISL COLLOQUIUM **GRAZ, AUSTRIA** **18-22 OCTOBER 1993**

The 36th Colloquium on the Law of Outer Space was held in Graz, Austria, from 18 to 22 October 1993. The Colloquium was attended by some 60-70 participants, and about 50 papers were registered. A report of the Colloquium will, as usual, appear in the next issue of the Journal of Space Law.

The following sessions were 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. E. Fasan, Austria (replacing Dr. Jankowitsch, who had to leave unexpectedly)

Rapporteur: Leiden University Moot Team (Ernst Boucher & Geoffrey van Leeuwen)

- Session 2 - Adjudication and arbitration of disputes regarding space activities;

Chairman: Dr. W. Wirin, USA

Rapporteur: George Washington University Moot Team (Eric Edmondson & Charles Hildebrandt)

- Session 3 - Legal aspects of space insurance;

Chairman: Prof. T. Kosuge, Japan

Rapporteur: Katherine Gorove (USA)

- Session 4 - Recent developments in space law, with special emphasis on Nuclear Power Sources;

Chairman: Prof. F. Lyall, UK.

Rapporteur: Catherine Smith (France)

- The Scientific/Legal Round Table on Scientific and Legal Aspects of Space Debris was held on Wednesday, 20 October, afternoon.

Chairman was Prof. Diederiks-Verschoor, Dr. Kopal was Coordinator and Dr. Orrico

(Mexico) was Rapporteur. The papers which were presented and a report will be published in the proceedings.

- The 2nd Manfred Lachs Space Law Moot Court Competition was held on 21 October. The Case concerned the commercial exploitation of the Moon, implying the use of Nuclear Power Sources in space (Xavage vs. Adastra). The University of Graz, the City of Graz, the Austrian Federal Ministry and Joanneum Research provided funds and assistance for organizing the competition, which took place in a beautiful castle of the Graz University. The final round was between the University of Leiden (Ernst Boucher & Geoffrey van Leeuwen) and George Washington University (Guy Christiansen, Eric Edmondson & Charles Hildebrandt), who were the winners of the European and American Preliminary Competitions, which had been organized by ECSL and AUSMIISL. These two bodies also sponsored travel, stay and Congress participation of the winning teams. The Bench for the Final Round was composed of Dr. N. Jasentuliyana, Dr. N.M. Matte and Prof. F. Lyall, who agreed to replace Judge Guillaume of the ICJ, who could not make it through the French air strikes. The finals were won by the University of Leiden. The Case of the 1993 competition and the winning briefs will be published in the Proceedings. After the finals, a Reception was offered to all IISL Participants by the Austrian Ministry of Foreign Affairs, during which Dr. J. Ortner, representing the Minister, expressed his appreciation for this important event. Regarding the third competition, please refer to the section on the 1994 IISL Colloquium.

- The Proceedings of the Graz Colloquium will be published by the AIAA.

- The Board meeting was held on Tuesday 19 October, and the General Assembly of Mem-

bers on Friday 22 October. The following paragraphs summarize both these meetings.

i. Activities

- Standing Committee on Space Law Treaties: the 1993 report of this Committee was submitted by its Chairman Dr. Terekhov and will be published in the proceedings.

- Committee on Definitional Issues in Space Law (Chairman Prof. Gorove). This committee worked on various definitions, such as 'appropriate state', 'launching state', 'astronaut', 'personnel', 'passenger' and 'debris'. The results will be presented in Jerusalem during the session on Definitional Issues, and could eventually be submitted to COPUOS.

- Committee on Dispute Settlement and Cases regarding Activities in Outer Space (Chairman Prof. Böckstiegel): the work of this new committee will possibly include the elaboration of a loose-leaf IISL publication on this topic. IISL members may leave their names with the Secretary if they wish to participate in the work of this committee. The purpose is to establish a network with national correspondents around the world.

- Financial Committee: this committee was established in 1992 and is composed of Amb. Finch and Prof. Kosuge as co-chairmen, and Prof. Böckstiegel and Dr. Bourély as members. IISL Members wishing to join the committee are invited to contact Amb. Finch. Amb. Finch announced that he would present a proposal to the Carnegie Foundation and the Rockefeller Foundation for a study of the possibility of amending the Registration Convention, specifically regarding the notification requirement (time of notification, indication of involvement of nuclear power etc.). He received a mandate from the Board to this effect. This study could provide considerable funds for the IISL.

- Proceedings and other publications:

- *Proceedings* of the Graz colloquium will again be published by the AIAA, and members and authors may buy their copies at a reduced price. In order to ensure that the Proceedings include the work of the UN on space law, it has been decided to include the sections of the annual report of the Legal Subcommittee of COPUOS, and the account of the Committee's future work, in the proceedings. The Montreal Proceedings will be reprinted in soft cover because they are out of print.

- *Brochure*: a new edition will be prepared and published within short time.

- *Space Law: Development and Scope*, edited by Dr. N. Jasentuliyana, published in honour of Dr. E. Galloway by Praeger Publishers, New York, is still available from: GPG, 88 Post Road West, Box 5007, Westport, CT 06881, USA, Fax. (1) 203 - 222 1502.

The price of the 312-page book (ISBN 0-275-94036-5) is US \$55.

ii. Financial situation

The Report of the Treasurer, *Dr. Bourély*, shows that the financial situation of the Institute as of 1 Sept. 1993 is as follows:

I. Account with Barclays Bank, Paris, France: ± 16,000 French Francs

II. Account with Riggs National Bank, Washington DC, USA: ± 9,500 US\$

The Institute is 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.

iii. Amendment of Statutes

Pursuant to the recent introduction of membership dues, the statutes needed amendment. According to the Board's proposal, Article 3 would include a provision reflecting the wording of the resolution which was adopted by last year's General Assembly. The proposal was accepted by the General Assembly, and the new Article 3 reads:

Section 1 (remains as it stands)

Members of the Institute shall be elected by the Board upon application presented by a Director or by three members of the Institute.

Section 2 (remains as it stands)

The election shall be by majority vote of the Board of Directors in attendance at regular or special meetings of the Board of Directors or by a majority of the Board of Directors if the vote is held by mail.

Section 3 (the present text to be deleted and replaced by the following)

The Board of Directors shall establish reasonable membership dues. It may make exceptions in special cases in the interest of the Institute.

Section 4 (the present text to be deleted and replaced by the following)

The name of a member who is in arrears of the dues for more than two years shall be dropped from the list of members by decision of the Board of Directors.

iv. Dues

As mentioned before, the decision to introduce membership dues has now been implemented by the Board. Thus, all members will have to pay their dues as of 1 January 1994. The amount for 1 year is US\$ 40. Members may also pay for 5 years (US\$ 200). The details are set out in the letter which is attached to this Newsletter.

Regarding the matter of corporate membership and related questions, the General Assembly has decided that the President should appoint a new committee of five members representing the Board, the Financial Committee and the membership "to study membership structure and related questions". The following persons have been invited to serve on this Committee:

- 1 Dr. S. Doyle, Chairman (Membership)
 - 2 Prof. F. Lyall (Board Member)
 - 3 Dr. V.S. Vereshchetin (Board Member)
 - 4 Ms. P. Meredith (Membership)
 - 5 Dr. L. Tennen (Membership)
- Dr. M. Bourély (Treasurer/Member of the Financial C'ee) (*ex officio*)
 - Dr. V. Kopal (IISL Counsel) (*ex officio*)

v. Election of Directors

The Nomination Committee consisted of: Dr. M. Menter, Chairman, Prof. P.M. Martin, Ms.

S. Ospina, Dr. D. Popescu and Prof. N. Sybesma-Knol.

- Regarding the Presidency of the IISL, the Nomination Committee recommended that Dr. N. Jasentuliyana be elected. This recommendation was accepted by consensus by the Board.

- Regarding the other Directors whose terms of office had expired, the Nomination Committee recommended that Amb. A. Cocca (Argentina) and Dr. G. Gàl (Hungary) be re-elected, that Dr. B. Bakotic (Croatia) be replaced by Dr. G. Catalano Sgrosso (Italy), and that Prof. Priyatna A. (Indonesia) be replaced by Dr. M. Komar Kantaatmadja (Indonesia). The Board unanimously supported the advice of the Nomination Committee.

- During the General Assembly, Mr. Anglin nominated Prof. C.Q. Christol as a candidate for President, and it was therefore decided to take a separate vote for the president and other directors.

- The result of the secret ballot for the Presidency was that the General Assembly elected Dr. Jasentuliyana as the new IISL President.

- Regarding the other Directors, the advice of the Nomination Committee was adopted by the General Assembly by a majority. So, Amb. Cocca and Dr. Gàl were re-elected, and Dr. Bakotic and Prof. Priyatna were replaced by Dr. Catalano Sgrosso and Dr. Komar Kantaatmadja respectively. Furthermore, Prof. Priyatna was elected as Honorary Director.

- In 1994, the terms of office of the following directors will expire: S. Gorove (USA), V. Vereshchetin (Russia), T. Masson-Zwaan (Netherlands), K.H. Böckstiegel (Germany), He Qizhi (China) and T. Kosuge (Japan).

- The Acting President has proposed the establishment of the function of IISL Counsel and to appoint as such Dr. V. Kopal, who has de facto performed this function for a long time. This will be included in the Statutes at the time of their full revision.

vi. New members

The following members were elected in Graz: Drs. Cahyo Adi, S.H., LL.M. Director of Air Transport

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Jalan Ankasa I no. 2
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INDONESIA

Mr. Wahyuni Bahar, S.H., LL.M.
Jalan Begawan 34
Bandung 40173
INDONESIA

Mr. Yasidi Hambali, S.H., LL.M.
Waringin Permai L-10
Jakarta 13620
INDONESIA

Mr. Iswandi, LL.M.
Aerospace Legal Division
Indonesian Air Force HQ
72 Gatot Subroto
Jakarta Selatan 12780
INDONESIA

Ms. V. Kayser
9 Place Saint André des Arts
75006 Paris
FRANCE

Prof. A. Kerrest de Rozavel
Vice Doyen, Faculté de Droit de Brest
34 route de Milizac
29820 Guilers
FRANCE

Mr. Ali Nur, S.H.
Jalan Mokusuli 10
Trihora Halim P.
Jakarta 13610
INDONESIA

Mr. W. Stoffel
Zülpicher Platz 3-5
50674 Cologne
GERMANY

vii. Certificates and Awards

The IISL Lifetime Achievement Award was presented to Prof. Dr. Priyatna Abdurrasyid (Indonesia), *"In recognition of his distinguished contributions to ensure that activities in outer space are conducted for peaceful purposes to benefit all mankind; Establishing the Air and Space Law Research Centre of Indonesia; Delegate to the United Nations Com-*

mittee on the Peaceful Uses of Outer Space; Legal Advisor, Indonesian Delegation to the International Telecommunication Union; Leadership in expanding space law teaching in Indonesian universities; Director, International Institute of Space Law; This Testimonial is presented with respect and esteem for his achievements in advancing international space cooperation".

- Prof. Christol proposed a resolution which was adopted by consensus by the Assembly and which reads as follows: *"Whereas the IISL suffered a great loss upon the unanticipated death of President Manfred Lachs; Whereas in its time of need former President and President Emeritus Prof. Dr. Isabella H.Ph. Diederiks-Verschoor agreed to serve as Acting President; Whereas, as Acting President, she has again served the Institute with dedication and wisdom; Now be it resolved that the Members of the Institute express their deep appreciation for her extraordinary commitment to the Institute".*

II. THE 37TH IISL COLLOQUIUM

JERUSALEM, ISRAEL

9-14 OCTOBER 1994

i. Topics and chairmen

- Session 1: New legal developments in satellite communications

Chairman: Prof. F. Lyall (UK)

- Session 2: Definitional issues in space law

Chairman: Prof. S. Gorove (USA)

- Session 3: Liability in commercial space activities

Chairman: Prof. K.-H. Böckstiegel (Germany)

- Session 4: Other legal matters

Chairman: Dr. V. Kopal (Czech Rep.)

The Secretary is the Coordinator for all four sessions. Rapporteurs will be appointed at a later time. Members who are interested in serving as rapporteurs are requested to contact the Secretary before April 1, 1994.

ii. Practical

- All authors must submit an abstract for approval by the Board, before an IISL paper is accepted for the colloquium. Also, the

chairmen will invite a few papers to cover all aspects of the subject.

- The abstract must comply with the instructions provided in the **1994 IAF Call for Papers** which will be sent to all IISL Members. The IISL Sessions and their descriptions can be found on pages 67-68. It is obligatory to use the abstract form which is enclosed in the Call for Papers. Authors must mention their full name, address, telephone, telex and fax numbers and that of the co-authors, and address the original of the abstract to the IAF in Paris (same address as IISL), one copy to the IISL Secretary and one copy to the session chairman.

- Abstracts in English must reach the IAF by 1 March 1994 at the latest! _

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

- 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, Director Book Publications, AIAA, 370 L'Enfant Promenade, S.W., Washington, D.C. 20024, USA, who will mail an author's instruction kit and indicate the deadline for submitting the paper for publication.

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

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

- An author whose paper is published in the Proceedings, as well as all IISL Members, may buy the Proceedings at a reduced price.

ii. 3rd Manfred Lachs Space Law Moot Court Competition

- The Case for the 1994 competition has been finalized and distributed to European and American universities, and contact has been established with the Hebrew University in Jerusalem for the organization of the competition. AUSMIISL and ECSL will again cooperate with the IISL in this project to organize preliminary competitions in the US and Europe. The 1994 problem deals with an international space station, intellectual property rights and liability for damage. Copies may be obtained from the Secretariat.

- Dr. Milton Smith, the AUSMIISL President, has announced that Martin Marietta has agreed to sponsor the Moot Court Competition for an amount of US\$5000, of which US\$2000 will be available for the finals in Israel, the rest of the money being earmarked for the organization of the US preliminary. Efforts to secure a European sponsor as well will be undertaken.

III. THE 38TH IISL COLLOQUIUM OSLO, NORWAY, OCTOBER 1995

Regarding the topics for the 1995 Colloquium, Members are strongly encouraged to suggest topics to the Board; suggestions must be received in Paris by 1 April 1994, since the Board will decide on these topics at its Spring meeting.

IV. COPUOS MEETINGS

The dates of the 1994 sessions of the COPUOS are as follows:

21 Feb.-4 Mar.: Scientific/Technical Sub-C'ee

21 Mar.-8 Apr.: Legal Sub-Committee

6-17 June: COPUOS Plenary Session

All sessions will take place in Vienna. Members who would like to serve as official IAF observers for one of these sessions are requested to contact the Secretary as soon as possible, but in any case before mid-January. A special IISL event will again be organized for the COPUOS Delegates during the first week of the Legal Subcommittee meeting.

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 1994. The Board preserves the right to decide which information will be published.

- Prof. Jonathan Galloway has reported that the American Journal of International Law (Vol. 87, July 1993, No. 3, p. 414-423) published some wonderful tributes to the late IISL President Judge Manfred Lachs.

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 addresses of the following persons: **L.I. Degville, M.J. Due, K.A. Finch, C.G. Hasselman, F. Ikeda, G. Jacquemin, B.D. Kraselsky, L.C. Levin, H. R. Marshall, G. Meloni, F.A. Pereira, A. Rudolf, A.W. Stuebner, L. Weber, K. Wiewiorowska.**

Paris, December 1993

To all IISL Members

Subject: Membership Dues

Dear Madam, Sir,

As you may know, the IISL General Assembly has adopted a Resolution introducing membership dues for the IISL Membership. The text of this unanimously adopted Resolution reads 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". The Board of Directors, at its 1993 Spring Meeting in Paris, decided that individual members would pay an annual fee of US\$ 40 or FF 250, as of 1994.

As the IISL account with Riggs National Bank in Washington DC, is in the process of being transferred to a Dollar account in Paris, all dues should be sent to the Paris account of the IISL, either in US Dollars or French Francs. Thus, I hereby request you to pay your dues for the period **1 Jan. 1994 - 31 Dec. 1994**, i.e. **US\$ 40 or FF 250**, by one of the following means:

- the **preferred** method is by bank transfer (free of any charges for the receiving bank) to the following account (clearly mentioning your name!!!):

Barclays Bank, 128 Avenue de Suffren, 75015 Paris, France (Tel. 33-1-45 67 77 00)
Account number: 10043540101, in the name of "Institut International de Droit Spatial"
Code Guichet: 62019; Clé RIB: 56

- Travellers checks in US\$ may also be accepted.
- Eurocheques in French Francs may be accepted under the condition that no charges are implied for the receiving bank (for instance German Eurocheques charge costs!) Please check this with your bank.
- French residents may pay in French Francs using regular French bank or postal checks.
- Checks should be sent to the IISL Secretariat and not directly to the bank!
- Please never send cash!!!

You may also pay dues for **5 years** in advance, i.e. by paying **US\$ 200 or FF 1250**. You will then have fulfilled your obligations until **31 Dec. 1998**.

Members who are of the opinion that their case requires special attention are requested to write a letter with detailed reasons to the Board of Directors.

In case you should no longer wish to be a Member of our Institute, we kindly request you to notify us to that effect.

Hoping that we may count on your cooperation, I remain, on behalf of the Board of Directors,
Yours sincerely,

Dr. Michel Bourély, Treasurer