

NEWSLETTER No. 46 - MAY 1994

I. INTRODUCTION

The IISL Board of Directors met on 9 April 1994 in Paris. The newly elected President Dr. N. Jasentuliyana presided over the meeting, which was also attended by the two new Board Members, Mrs. G. Catalano Sgrosso from Italy and Mrs. M. Komar Kantaatmadja from Indonesia. An exceptionally large number of Directors was present at this Spring Meeting, and several matters of importance were discussed which are reflected in this issue of the Newsletter.

II. THE 37TH IISL COLLOQUIUM JERUSALEM, ISRAEL 9-14 OCTOBER 1994

Approximately 50 abstracts were accepted for the following four sessions:

Session 1: New legal developments in satellite communications; Chairman: Prof. F. Lyall

Session 2: Definitional issues in space law; Chairman: Prof. S. Gorove

Session 3: Liability in commercial space activities; Chairman: Prof. K.-H. Böckstiegel

Session 4: Other legal matters; Chairman: Dr. V. Kopal

NEW APPROACH FOR DISCUSSIONS:

Taking into account that the IISL membership had expressed the wish to have ample time for discussion during the Colloquium, the President proposed to have one complete session in Jerusalem devoted to discussions. Each chairman will give a brief report on the issues that were raised during his session, and each rapporteur will shortly comment on those issues, after which an extensive open discussion will take place. During the other sessions, there will be just one or two short questions regarding each paper or group of papers presented,

which should focus only on clarifications. To implement this, the two sessions with the smallest number of papers (i.e. session 2 and 3) will be combined into one extended session. The discussion session will take place on Friday before the General Assembly. The Board decided to adopt this new approach for Jerusalem to see how it works out.

Thus, the schedule of the sessions and meetings will be as follows:

Session 1:	Tue 11 Oct., 2 p.m.
Board Meeting:	Tue 11 Oct., 5 p.m.
Session 2 & 3:	Wed 12 Oct., 2 p.m.
Session 4:	Thu 13 Oct., 8.30 a.m.
Moot Court:	Thu 13 Oct., 2 p.m.
Disc. Session:	Fri 14 Oct., 8.30 a.m.
Gen. Ass.:	Fri 14 Oct., noon

An IISL Certificate will be awarded in Israel to *Judge Gilbert Guillaume* of the International Court of Justice.

III. MANFRED LACHS SPACE LAW MOOT COURT COMPETITION

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IV. FINANCIAL SITUATION

The US account with Riggs was transferred to a dollar account in Paris, so that now both accounts are based at the same bank.

The report of the Treasurer, Dr. Bourély, shows the following balance:

- FF Account with Barclays, Paris:

FF 9261,59 (March 1994)_

- US\$ Account with Barclays, Paris:

US\$ 11670,43 (March 1994), most of which has been placed in short term bonds

The Institute is grateful for the annual support of the Centre National d'Etudes Spatiales (France).

V. DUES

Dues for the period 1 Jan. 1994 - 31 Dec. 1994 (US\$ 40 or FF 250) were paid by 54 members (out of ± 350!) as per 31 March 1994. Three members terminated their membership. Eight members have paid for 5 years, one for 3 years and one for 2,5 years. Two members have asked for exemption.

The total amount of dues received as per 31 March is US\$ 3060 and FF 3520.

Members who have not yet paid their dues will find a reminder enclosed with this Newsletter and are notified that they may also pay at the Israel Colloquium in cash.

VI. INSTITUTIONAL MEMBERSHIP

The Committee on Institutional Membership (S. Doyle, chairman, M. Bourély, P. Meredith, V. Kopal, F. Lyall, L. Tennen and V. Vereshchetin) submitted its report to the Board. The Board decided to adopt the principle of institutional membership. It also decided that the minimum dues will be set at ten units (US\$400), that the details of the dues may be included in future by-laws, and that attention will be given to the relation of individual members vis-à-vis institutional members. The principle of Institutional Membership will be further elaborated and will be duly incorporated into the Statutes.

VII. AMENDMENT OF STATUTES

In order to advance the work on a general review of the Statutes, Prof. Kopal and Prof. Lyall were given the following mandate: "To submit suggested alternatives to improve the present Statutes". Members who have specific suggestions as to this subject may contact Prof. Kopal and Prof. Lyall.

VIII. ELECTION OF DIRECTORS

Pursuant to the Statutes, the vacancy which was caused by the appointment of Dr. Jasentuliyana as President had to be filled. The Board unanimously elected Dr. S. Doyle (US)

as a Director, in accordance with Article V Sections 1 and 4 of the Statutes.

The terms of office of the following Directors expire in 1994:

- S. Gorove (USA) (Vice-President)
- V. Vereshchetin (Russia) (Vice-President)
- T. Masson-Zwaan (Neth./France) (Secretary)
- K.H. Böckstiegel (Germany)
- He Qizhi (China)
- T. Kosuge (Japan).

The following members were invited to serve on the Nomination Committee: Dr. M. Bourély (Chairman), Ms Rachel Trinder and Ms Marcia Smith.

The mandate of the committee will be

(1) to present a slate for the 6 vacancies in the Board, and

(2) to present a slate of officers for 2 vice-presidents and a secretary.

IX. NEW MEMBERS

The following new members were elected at the 1994 Spring Meeting of the Board:

- Mr. Phillip D. Bostwick
Shaw, Pittman, Potts & Trowbridge
2300 N St. NW, Washington DC 20037, USA
- Dr. George T. Hackett
Ferrogg 80, A 1180 Vienna, Austria

X. COPUOS MEETINGS

The following IISL members were appointed as official IAF observers

a) for the COPUOS Legal Subcommittee in Vienna, 21 Mar.- 8 Apr. 1994: Mrs E. Gallo-way, Dr. E. Fasan & Dr. V. Kopal

b) for the plenary session of COPUOS in Vienna, 6-17 June 1994: Dr. S. Gorove

c) The Scientific/Technical Sub-C'ee was held from 21 Feb.-4 Mar. 1994

IISL WORKSHOP

As in previous years, the IISL organized a special program on 22 March on the topic "Legal Questions Regarding Commercial Activities in Outer Space" for the delegates and staff of the Legal Subcommittee session. The coordinator of the 1994 program was Dr. E.

Fasan. Speakers were Mr. P. Nesgos (Haight Gardner Poor & Havens, Washington DC), Ms V. Kayser (ECSL Secretary), Mr. W. Thiebaut (ESA Legal Affairs) and Prof. Priyatna Abdurrasyid (Indonesia). A reception was hosted after the program and was co-sponsored by IISL and ECSL. The meeting was highly successful. An extensive report of the program was issued by the UN Information Service (UNIS/OS/54, 22/3/94). Next year another program will be organized in cooperation with ECSL, dealing with the legal aspects of space debris.

XI. ACTIVITIES OF THE INSTITUTE

- Proceedings: the Proceedings of the Graz Colloquium have been published. The volume contains 485 pages. An order form for IISL Proceedings is enclosed with this newsletter. Please note that the price listed for AIAA members is also the price for IISL members.

At the institutional level, Ms. P. Meredith was assigned as the successor of Dr. M. Menter as IISL Liaison Representative to AIAA, and Ms. M. Smith as Alternate Representative.

- Committee on definitional issues in space law: Chairman Dr. Gorove submitted a report to the Board and mentioned that the working group is in the process of exchanging comments on the respective drafts which will be presented at the next IISL Colloquium with an indication of the agreed-upon and conflicting views. The working group plans to keep CO-PUOS informed, in general, of the nature and progress of its work.

- Committee on dispute settlement and cases regarding activities in outer space (Chairman Prof. Böckstiegel): the work of this committee will possibly include the elaboration of a loose-leaf IISL publication on this topic. The purpose is to establish a network with national correspondents around the world.

- Standing Committee on the Status of Space Law Treaties: Dr. Terekhov will submit his new report to the coming colloquium.

- UN Contract: the Institute has prepared a report on recent developments in space law for

the "Highlights in Space" report published by the UN (Ref. A/AC 105/566).

- "Space Law: Development and Scope", edited by Dr. N. Jasentuliyana, published in honour of Dr. E. Galloway by Praeger Publishers in New York. The price of the 312 page book (ISBN 0-275-94036-5) is \$55 and may be ordered at: GPG, 88 Post Road West, Box 5007, Westport CT 06881, USA, Fax (1) 203-2221502.

- Brochure: a new edition will be prepared and published for the Jerusalem Colloquium.

XII. THE 38TH IISL COLLOQUIUM OSLO, NORWAY, OCT. 1995

The Board decided on the following topics for the Oslo Colloquium:

Session 1: Recent developments in the law of intergovernmental organizations dealing with outer space matters

Chairman: Dr. M. Bourély (France)

In this session, the legal advisers of various organizations will be invited to discuss the developments and activities within their organization (e.g. ESA, ITU, Inmarsat, Eutelsat..). In addition, individual papers dealing with this topic may be submitted.

Session 2: Legal issues arising from recent technical studies relating to space debris

Co-Chairmen: Prof. M. Williams (Argentina) and Dr. L. Perek (Czech Rep.) (invited)

The specific purpose of this session is to identify and define the problem of space debris in legal terms, in order to provide a genuine contribution to the solution of the space debris problem. Only those papers which use the most recent technical data as the basis for their research shall be accepted. Examples of recent technical debris studies are: ESA-SP 1109 (1988); Interagency Group (SPACE) report for National Security Council, Washington DC (1989); US Congress/OTA Background Paper, (1990); US Congress/General Accounting Office (1990); ESA Contract no. 9024/90/NL/PM(SC) (1992); Report of study group of Japan Society for Aeronautical and Space Sciences, Tokyo (1992); IAA Position Paper, Acta Astronautica (Oct. 1993), etc.

Session 3: Legal aspects of commercial space activities

Chairman: Dr. Fife (Norway)

Papers in this session may address questions of intellectual property, transfer of technology and launch agreements

Session 4: Other legal matters

Chairman: Dr. N.M. Matte (Canada)

Authors in this session may select their own topics, which should deal with pertinent issues in the field of space law. Special attention may be given to NPS, review of the Moon Agreement, Article I of the Outer Space Treaty (the Benefit Principle), and the settlement of disputes.

The Fourth Manfred Lachs Space Law Moot Court Competition will be held during the 1995 Colloquium. Contact will be established with the University in Oslo/Helsinki.

US and European universities will be contacted before the summer for participation.

XIII. VARIOUS

The Board invites Members to submit relevant information to the Secretary for inclusion in 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 Jerusalem Colloquium, such information must have been received by the Secretary by 30 October 1994. The Board preserves the right to decide which information will be published.

• In this context, Dr. N. Jasentuliyana reported that the UN Office for Outer Space Affairs published a useful new edition of its booklet "UN Treaties and Principles on Outer Space". IISL members who have paid their dues may write to the President's office for a free copy. (Vienna International Centre, P.O.Box 500, A1410 Vienna, Austria, fax 43-1-21345 5830).

• The "All Russia Research Institute of Standardization" reported the publication in

September 1994 of a Russian-English Dictionary "Exploration and Application of Space" at the price of ± \$75 (plus postage). For information, please contact the Institute at: 40, Novatorov Street, Moscow 117421, Russia, fax 095-432-0800.

• Dr. A.A. Cocca reported the following on space law teaching and research in Argentina:
- M. de las Mercedes Esquivel teaches space law at the Law Faculty of Buenos Aires since March '93. At the same Faculty, the 1st Inter-American Course on Space Law was held in Nov. 93. The course will be followed by a 2nd and 3rd course, all under the direction of Prof. Cocca with the cooperation of some ten Argentine and US professors. A seminar on criminal space law was held at the University of Morón in Nov. 93 and opened by Prof. Cocca. Finally, at the end of '93, a post-graduate course was taught by Prof. Cocca to analyze the Draft Declaration of Principles Concerning the Sending of Communication to Extraterrestrial Intelligence as elaborated by the IAA SETI Committee. The results will be communicated to this Committee.

• Prof. C.Q. Christol wrote an article entitled "Influence of the International Institute of Space Law and the International Law Association on the Development of Space Law", published in the Zeitschrift für Luft- und Weltraumrecht (Vol. 42, No. 4, 1993, pp. 430-441).

XIV. MEMBERSHIP LIST

The Secretary would be grateful to be informed of the addresses of the following persons:

Mr. Coulter	H. R. Marshall
L.I. Degville	G. Meloni
M.J. Due	F.A. Pereira
K.A. Finch	Mr. Postyshev
F. Ikeda	A. Rudolf
B.D. Kraselsky	A.W. Stoebner
L.C. Levin	K. Wiewiorowska

XV. NOTE

The 2nd Announcement of the 45th IAF Congress, Jerusalem, 9-14 Oct., containing

information about programme, registration, accommodation, etc. is enclosed.

Additional information may be obtained from:

The 45th IAF Congress/Kenes Tours
P.O. Box 50006, Tel-Aviv 61500, Israel; tel.
972-3-5140014; fax 972-3-5175674 or 660325

EARLY REGISTRATION DATE:
15 JULY 1994