

NEWSLETTER No. 47 - NOVEMBER 1994

I. The 37th IISL Colloquium **JERUSALEM, ISRAEL** **9-14 October 1994**

The 37th Colloquium on the Law of Outer Space was held in Jerusalem, Israel, from 9 to 14 October 1994. The Colloquium was attended by some 50-60 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: New legal developments in satellite communications

Chairman: Prof. F. Lyall (UK)

Rapporteur: P.H. Tuinder (Netherlands)

- Session 2: Definitional issues in space law

Chairman: Prof. S. Gorove (USA)

Rapporteur: C.Thompson, P.Iiskola (Finland)

- Session 3: Liability in commercial space activities

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

Rapporteur: D. Groth, J. Kime (USA)

- Session 4: Other legal matters

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

Rapporteur: M.Mejstřík-Kaiser (Mexico/Germ.)

- One complete session in Jerusalem was devoted to discussion of all colloquium topics, which was presided over by the President of the Institute. For this purpose, the second and third sessions were combined into one. Each chairman gave a brief report on the issues that were raised during his session, and each rapporteur shortly commented on those issues, after which an extensive open discussion took place. This set-up was greatly appreciated by the membership, and it was decided to repeat it in Oslo.

- The 3rd Manfred Lachs Space Law Moot Court Competition was held on 13 October. The Institute was particularly grateful to the ICJ Judges who had accepted the invitation to judge the finals, i.e. Judge G. Guillaume, Judge G. Herczegh and Judge Ch. Weeramantry. The Hebrew University of Jerusalem hosted the competition by providing its Senate Hall and offering a reception after the finals. KLM Royal Dutch Airlines provided free tickets for the judges, and Martin Marietta financially supported the competition. The University of Helsinki (Finland) and the John Marshall University of Chicago (USA) competed in a case concerning an international space station, intellectual property rights and liability for damage. The team of the John Marshall University of Chicago won the competition. Its members were *Daniel Groth* and *Jollene Kime*. The members of the University of Helsinki team were *Peter Iiskola* and *Craig Thompson*, with *Kari Vallonen* serving as alternate. The case and the written briefs will be published in the IISL Proceedings. Each team also served as rapporteur for one of the sessions of the Colloquium.

- The possibility to open the competition to participation by other than US and European participants was discussed and the Board decided to keep the competition as it is for the time being, while keeping the door open to future participation from Canada, or from Asian or South American countries.

For the fourth competition, please refer to the section on the 1995 IISL Colloquium.

- The Board meeting was held on Tuesday 11 October, and the General Assembly of Members on Friday 14 October. The following pa-

Paragraphs summarize the proceedings of these two meetings.

i. Activities

- Standing Committee on the Status of Int'l Agreements Relating to Activities in Outer Space: the 1994 report of this Committee was presented and will be published in the proceedings.

- Committee on Definitional Issues in Space Law: the work of this committee was discussed during the second Colloquium session and at the Board meeting, and it was decided to continue the work. Prof. Gorove will present his report to the Board at the Spring meeting 1995. The adopted definitions may be submitted to the UN.

- Committee on Dispute Settlement and Cases regarding Activities in Outer Space: it was decided to establish an Editorial Committee for the realization of a loose-leaf publication on this topic.

- Proceedings and other publications:

- *Proceedings* of the Jerusalem colloquium will be published by the AIAA; members and authors may buy a copy at a reduced price.

- *Brochure*: a preliminary version of the brochure was circulated and a revised version will be published before a more final version will be prepared. Comments on the present version may be forwarded to the Secretary.

ii. Financial situation

The report of the Treasurer, Dr. Bourquy, shows the following balance as per 30 September 1994:

I. French Francs Account with Barclays Bank, Paris: FF 27.331,13

II. US Dollar Account with Barclays, Paris: US\$ 15.991,97, most of which is placed in short term bonds

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

An estimated budget for the period 1 October 1994-30 September 1995 has been established,

taking into account the experience with the previous budget.

iii. Dues

On 30 September 1994, 117 members out of a total of 363 members had paid dues.

It must be noted that:

- 15 members paid dues for more than 1 year;
- 12 members ended their membership;
- 2 members requested special consideration of their case (1 exemption was granted);
- as a consequence, only 30% of the registered members) are in good standing. The Board will consider the question of members who are in arrears at its coming Spring meeting. Members who have not paid are requested to do so as soon as possible. Membership dues are US\$ 40 or FF 250 per year. A letter concerning this issue is attached to this Newsletter

iv. Amendment of Statutes

The mandate given to Prof. Kopal and Prof. Lyall by the Board, "to submit suggested alternatives to improve the present Statutes" raised a large number of highly complicated issues which needed to be dealt with on a more systematic basis. Several drafts of the amended Statutes had been prepared and a comparative table had been compiled by the President, which indicated that there are still many issues to be solved. **Interested IISL members are hereby invited to request from the Secretary a copy of the various drafts and comparative table of the statutes, and to send their comments to Paris by mid-January 1995.** The Board will reconsider this matter at the Spring meeting.

v. Election of Directors

- The terms of office of the following Directors expired in 1994: S. Gorove (USA) (Vice-President); V. Vereshchetin (Russia) (Vice-President); T. Masson-Zwaan (Neth.) (Secretary); K.H. Bockstiegel (Germany); He Qizhi (China); T. Kosuge (Japan).

- The Nomination Committee consisted of Dr. M. Bourquy (Chairman), Ms M. Smith and Ms R. Trinder.

- In the absence of the other members of the Committee, the report of the Committee was pre-

sented by Ms Smith. The Committee unanimously adopted the following proposal, which was endorsed by the Board and submitted to the General Assembly:

¥ re-election of K.H. Bockstiegel, He Qizhi, T. Kosuge and T. Masson-Zwaan as Board Members

¥ election of A. Terekhov (Russia) and E. Gagero (Uruguay) as Board Members;

¥ election of S. Gorove and V. Vereshchetin as Honorary Directors;

¥ election of V. Kopal and N. Matte as Vice-Presidents;

¥ re-election of T. Masson-Zwaan as Secretary.

The Committee further recommended that guidelines for Nominating Committees including the qualifications which candidates must meet in order to be nominated as Board members be adopted by the Board, in order to facilitate the work of future nomination committees. The General Assembly unanimously adopted the proposal of the Nomination Committee.

vi. New members

The following new members were elected:

Prof. M. Andem
Faculty of Law, University of Lapland
PL 122
96101 Rovaniemi, Finland

Prof. V.S. Mani
School of International Studies
Jawaharlal Nehru University
New Delhi 110067
India

Dr M. Vivod
Ministry of Economic Relations & Devt.
Kotnikova 4
386-61000 Ljubljana
Slovenia

vii. Certificates and Awards

- An IISL Certificate of merit was awarded in Israel to Judge G. Guillaume of the International Court of Justice during the Closing Banquet of the IAF Congress.

- A Certificate embodying the Resolution which had been adopted by the Graz General Asse

m- bly to thank Prof. I.H.Ph. Diederiks-Verschoor for her continued efforts for the Institute was presented during the IISL General Assembly.

- Dr. Cocca celebrated his seventieth birthday in September 1994, and the Institute extended its congratulations to him on this occasion.

- A resolution to thank Dr. Menter for his work in connection with the Proceedings was adopted by consensus by the Assembly and reads as follows:

"Resolution of the General Assembly of Members of the International Institute of Space Law

Be it known that the General Assembly of Members of the Institute,

Assembled in Jerusalem, Israel, on October 14, 1994,

Considering the more than thirty years of sustained membership and service of

Brig. Gen. Martin Menter (USAF Ret.)

And especially considering his sustained, outstanding leadership and contributions to the standardization, maintenance of quality, enhancement of economic contribution and regularity of production of the Proceedings of Colloquia of the Institute over more than a decade,

Now hereby resolved to thank Gen. Menter for his tireless, outstanding service to the Institute and to wish him all best wishes for his future and his continued support of and participation in the Institute's activities.

II. The 38th IISL Colloquium

OSLO, NORWAY

2-6 October 1995

i. Topics and chairmen

- Session 1: 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 2: Legal issues arising from recent technical studies relating to space debris
Co-Chairmen: Prof. M. Williams (Argentina) and Dr. L. Perek (Czech Rep.)

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. 9 024/90/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:** Recent developments in the law of intergovernmental organizations dealing with outer space matters; Chairman: Dr. M. Bourdoly (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 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 Secretary is the Coordinator for all four sessions. Members who are interested in serving as rapporteurs are requested to contact the Secretary before March 15, 1995.

ii. Practical

- The Board will consider the matter of a separate discussion session at its Spring meeting in relation with the number of papers submitted for each session, and then decide whether a fifth session is needed or whether two smaller sessions can be combined into one.

- The aim will be to grant a minimum of 15 minutes for presentation of papers by each speaker.

- The Secretary will send a note to all authors of accepted papers one month before the colloquium, asking them to notify the secretariat whether they will attend the colloquium, and if not, whether they propose someone else to present their paper, if time permits. This procedure is adopted in order to better organize the various sessions.

- All authors must submit an abstract for approval by the Board, before an IISL paper is accepted for the colloquium. Also, the chairmen may invite a few papers to cover all aspects of the subject.

- The abstract must comply with the instructions provided on the 1st page of the **1995 IAF Call for Papers** which will be sent to all IISL Members. The IISL Sessions can be found on pages 22/23. Each abstract must be accompanied by the **abstract information form** on the last page of the Call for Papers. Authors must mention their full name, address, telephone, telex and fax num-

bers 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 1995 at the latest! _

- The decision on acceptance will be made at the Spring meeting, in April 1995. Authors will be notified of acceptance of their papers in **May 1995**. _

- 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 also 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.

iii. 4th Manfred Lachs Space Law Moot Court Competition

The Case for the 1995 competition has been finalized and distributed to European and American universities, and contact has been made with authorities in Oslo for the organization of the competition. AUSMIISL and ECSL will again organize preliminary competitions in the US and Europe in the Spring of 1995. The 1995 problem, which deals with satellite broadcasting, has been distributed to numerous universities. Copies may be obtained from the Secretariat.

III. The 39th IISL Colloquium BEIJING, CHINA, october 1996

Regarding the topics for the 1996 Colloquium, Members are strongly encouraged to suggest topics to the Board; suggestions must be received in Paris by **15 March 1995**, since the Board will decide on these topics at its Spring meeting.

IV. COPUOS MEETINGS

The dates of the 1995 sessions of the COPUOS are as follows:
¥ 6-17 Febr.: Scientific/Technical Sub-Committee
¥ 27 March-13 April: Legal Sub-Committee
¥ 12-23 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 on the legal aspects of space debris will be organized in cooperation with ECSL 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 15 March 1995. The Board reserves the right to decide which information will be published.

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, fax 301/843-0159. Issues from 1979 through 1984 retail for US\$50 an issue (US\$25 for IISL members); issues from 1985 through 1993 retail for US\$59.50 an issue (US\$29.50 for IISL members). The 1994 issue (Graz) retails for US\$84.95 an issue (US\$64.95 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 ad-

resses of the following persons:

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