

NEWSLETTER No. 49 - NOVEMBER 1995

I. THE 38TH IISL COLLOQUIUM OSLO, NORWAY 2-6 OCTOBER 1995

The 38th Colloquium on the Law of Outer Space was held in Oslo, Norway, from 2 to 6 October 1995. The Colloquium was attended by some 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: Legal aspects of commercial space activities; Chairman: Dr. Fife (Norway), Rapporteur: M. Mejia-Kaiser (Mexico/Germ.)

Session 2: Legal issues arising from recent technical studies relating to space debris; Chairman: Dr. L. Perek (Czech Rep.); Rapporteurs: S. Hall & J. Clerici (USA)

Session 3: Recent developments in the law of intergovernmental organizations dealing with outer space matters; Chairman: Dr. M. Bourély (France); Rapporteur: R. Roelandt (Netherlands/ECSL)

Session 4: Other legal matters; Chairman: Dr. N.M. Matte (Canada); Rapporteurs: M. Nahuysen & T. Kok (Netherlands)

- One session in Oslo was again devoted to discussion of all colloquium topics, and was presided by the President of the Institute. For this purpose, the second and fourth sessions had been combined. Each chairman gave a 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 generally appreciated by the membership, and it was decided to repeat it in Beijing.

- The 4th Manfred Lachs Space Law Moot Court Competition was held on 5 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 V. Vereshchetin and Judge Chr. Weeramantry. The University of Oslo hosted the competition and offered a reception after the finals. The Norwegian Foreign Ministry also sponsored the competition, and KLM Royal Dutch Airlines provided tickets for the judges. AUSMIISL and ECSL supported the competition by sending the winning teams of the preliminaries to Oslo. The University of Leiden (Netherlands) and the University of North Carolina (USA) competed in a case concerning satellite broadcasting and use of the geostationary orbit (Agrethia vs. Pathron), written by Sa'id Mosteshar. The team of the University of North Carolina won the competition. Its members were Sara Hall and John Clerici. The members of the University of Leiden team were Merel Nahuysen and Tom Kok. 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. Discussions regarding extension of the competition to other regions are ongoing. For the fifth competition, please refer to the section on the 1996 IISL Colloquium.

- The Board meeting was held on Tuesday 3 October, and the General Assembly of Members on Friday 6 October. The following 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 1995 report of this Committee was

presented and will be published in the proceedings. Members who have paid their annual dues will receive a copy with this Newsletter.

- Committee on Definitional Issues in Space Law: this committee now has a new member, Prof Zhukov who will replace Dr Vereshchetin.
- Committee on Dispute Settlement and Cases regarding Activities in Outer Space: Prof. Böckstiegel submitted an interim report to the Board and announced that ECSL is cooperating in this project and that an international network will soon be created for the case law reporter
- Proceedings and other publications:
 - *Proceedings* of the Oslo colloquium will be published by the AIAA; members and authors may buy a copy at a reduced price.
 - *Brochure:* a revised version will be published within short.
 - "Perspectives on International Law", in honour of Judge Manfred Lachs, edited by N. Jasentuliyana, was recently published by Kluwer Law International. A release announcement is attached to the Newsletter.
- Contract carried out for the UN to prepare a report on recent developments in space law for the Highlights in Space Report: the IISL will continue to prepare material for the UN annual review of developments in international cooperation and space law

ii. Financial situation

- The report of the Treasurer, Dr. Bourély, shows the following balance as per 30 September 1995:
 - I. French Francs Account with Barclays Bank, Paris: FF 29.145,84
 - II. US Dollar Account with Barclays, Paris: US\$ 23.808,25, 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) and the Academy of Sciences (Russia).
- An estimated budget for the period 1 October 1995-30 September 1996 has been established,

taking into account the experience with the previous budget.

iii. Dues

Dues for 1994 (US\$ 40 or FF 250) have been paid by ± 180 members as per 30 Sep. 1995. Dues for 1995 (US\$ 40 or FF 250) have been paid by ± 140 members as per 30 Sep. 1995. The last reminder (summer '95) has resulted in a considerable increase of dues payments (in March '95, 150 persons had paid for '94, and 90 for '95). The original membership list of 350 persons will now be screened, so as to delete members who have still not paid any dues after 4 calls for payment, upon a decision by the Board in accordance with the new statutes (see below).

iv. Amendment of Statutes

The final version adopted by the Board at its meeting on 3 October was submitted for approval by the General Assembly. Copies had been made available to the members earlier in the week. The process to reach this final version has taken several years and implied the membership at large. The new statutes were adopted by consensus, and Dr Kopal and Prof Lyall were thanked by the Assembly for their extended work over many years. The new Statutes are attached to the newsletter.

v. Election of Directors

- The terms of office of the following Directors expired in 1995: M. Bourély (France; Treasurer), F. Lyall (UK). M. Bourély had notified the Board of his intention to retire as Member of the Board and Treasurer at the Oslo meeting.
- The Nomination Committee consisted of Dr. M. Bourély (Chairman), Ms M. Smith and Ms R. Trinder. The Committee unanimously adopted the following proposal, which was endorsed by the Board and submitted to the General Assembly:
 - re-election of F. Lyall as Board Member
 - election of G. Lafferranderie (France/ESA) as Board Member and Treasurer

The General Assembly unanimously adopted the proposal of the Nomination Committee, and further decided to elect M. Bourély as Honorary Director.

vi. New members

The following new members were elected:

Prof. Dr Huang Huikang
Department of Treaty and Law
Ministry of Foreign Affairs
Beijing 100701
CHINA

Prof. Dr.Doo Hwan Kim
Dean, College of Law, Soon Sil University
1-1 Sangdo 5 Dong, Dongjak-ku
Seoul 156-743
KOREA

Ass. Prof. Abu Bakar Munir
Faculty of Law, University of Malaya
59100 Kuala Lumpur
MALAYSIA

Mr Juan Manuel Perez Corral
c/ Torre dels Pardals 9, 1º 1a
08041 Barcelona
SPAIN

Ms. Margaret A. Roberts
Attorney/Advisor, Commercial & Int'l
Programs
Office of the General Counsel, NASA HQ
300 E Street SW, Code GS
Washington DC 20546-0001
USA

Mr. Matthew W. Sanidas
Ass. Legal Affairs Officer
UN Office for Outer Space Affairs
Vienna International Centre, PO Box 500
A-1400 Vienna
AUSTRIA

Mr. Bradford L. Smith
SOSPI
14, rue de la Baume
75008 Paris
FRANCE

Prof. Susumu Takai
Prof. of International Law
National Institute for defense Studies
1-18-5, Narita-nishi, Suginami-ku
Tokyo 166
JAPAN

Mr. Jitendra Thaker
UN Office for Outer Space Affairs
Vienna International Centre, PO Box 500
A-1400 Vienna
AUSTRIA

Dr. Victor S. Veschunov
Legal Expert, INTERSPUTNIK
Smolenskaya 2
Moscow 121099
RUSSIA

vii. Certificates and Awards

- An IISL Certificate was awarded in Oslo to Judge V. Vereshchetin of the International Court of Justice during the Closing Banquet of the IAF Congress, *"In recognition of his distinguished contributions to International Law and Diplomacy; enhancement of international understanding through a career of dedicated leadership in teaching and writing; and most of all for his outstanding achievements in the development of international space law and institutions".*

- A special Certificate was awarded to M. Bourély, *"In recognition of his many years of dedicated services as Treasurer of the Institute, and for his contributions to space law."*

- Finally, a Certificate embodying the Resolution which was adopted by the Oslo General Assembly was presented to Mrs J. Godette of the AIAA, *"In appreciation of her outstanding contribution to the International Institute of Space law for the publication of the Annual Proceedings of the Colloquium on the Law of Outer Space".*

II. THE 39TH IISL COLLOQUIUM BEIJING, CHINA 7-12 OCTOBER 1996

i. Topics and chairmen

Session 1: The Legal Status of Property Rights on the Moon and Other Celestial Bodies. Chairman Dr. He Qizhi (China)

Session 2: Cases and Methods of Dispute Settlement in Space Law. Chairman Prof. K.Böckstiegel (Germany)

Session 3: Legal Aspects of Sharing Benefits from the Conduct of Space Activities. Co-chairmen: Dr. E. Gaggero (Uruguay), Dr. S. Doyle (USA)

Session 4: Other Legal Subjects. Co-Chairmen: Prof. T. Kosuge (Japan), Dr. E. Fasan (Austria).

The Board has requested the following schedule from the Congress organizers: two sessions on Tuesday, one on Thursday morning, Moot Court on Thursday afternoon, and a last session and General Assembly on Friday. The Board meeting would be held on Monday late afternoon. A Scientific-Legal roundtable is planned for Wednesday.

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, 1996.

ii. Practical Arrangements

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

- The Board intends to organize a separate discussion session. 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. 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 second page of the 1996 IAF Call for Papers which will be sent to all IISL Members. 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 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 1996 at the latest!

- The decision on acceptance will be made at the Spring meeting, in April 1996. Authors will be notified of acceptance of their papers in May 1996.

- 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 Ms. Erin Harty, 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 ± 75 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. 5th Manfred Lachs Space Law Moot Court Competition

The Case for the 1996 competition has been finalized and distributed to universities, and contact has been made with authorities in Beijing for the organization of the competition. AUSMIISL and ECSL will again organize preliminary competitions in the US and Europe in the Spring of 1996. The 1996 problem (Parlia vs. Californium *et al.*), written by Pamela Meredith, deals with liability for commercial space endeavors. Copies may be obtained from the Secretariat.

III. THE 40TH IISL COLLOQUIUM TORINO, ITALY, OCTOBER 1997

Regarding the topics for the 1997 Colloquium, Members are strongly encouraged to suggest topics to the Board; suggestions must be received in Paris by 15 March 1996, since the

Board will decide on these topics at its Spring meeting.

IV. COPUOS MEETINGS

The dates of the 1996 sessions of the CO-PUOS are as follows:

- 12-23 Febr.: Scientific/Technical Sub-C'ee
- 18 March-4 April: Legal Sub-Committee
- 3-14 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.

IISL WORKSHOP

As in previous years, the IISL will organize a symposium, on 18 March 1996, on the topic "Regulatory aspects of Space Debris" for the delegates and staff of the Legal Subcommittee session; the Coordinator of the 1996 program is Dr. E. Fasan.

V. MISCELLANEOUS

- The IISL Board, at its meeting in Oslo, endorsed the IAA Position paper on "A decision process for examining the possibility of sending communications to extraterrestrial civilizations".
- The President will arrange the preparation of an overall author and subject index of all IISL proceedings, to be presented to the COPUOS Legal Subcommittee at its next meeting as a joint UN/IISL effort.
- Upon proposals by the members, an IISL membership list will be circulated to all members having paid dues, and the issuing of a certificate of membership is under consideration.
- Several members raised the question of the IAF registration fees, which seem to increase every year. The President invited the members to write to IAF President K. Doetsch about this issue, which has already been under discussion in the IAF Bureau.

- A project with online space data called "Astra online" has been established by Mr Wayne White. Information can be obtained at the following address: 1751 Franklin street, Denver Colorado 80218, USA, tel. 1-303 333 1880

VI. 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 1996. The Board preserves 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 the price of the 1995 issue check with AIAA.) For orders from AIAA/TASCO, payment must accompany an order when total purchase is under US\$50.

VIII. "LOST" MEMBERS

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

Dr. Brado, Germany
Ms., Degville, USA
Ms. Due, USA
Mr.K. Finch, USA
Prof. Dr.Hingorani, India
Prof. Ikeda, Japan
Dr. Kraselsky, USA
Mr. Levin
Mrs. Lodico, USA
Mr. Marshall, Hungary
Dr. Meloni, Italy
Mr. Padang, USA
Prof. Pereira, Brazil
Dr. Postyshev, Russia
Hon. Ruddy, USA
Dr. Rudolf, Germany
Dr. Schubert, USA
Dr. Stoebner
Dr. Süss, Germany
Mr. Valkov, Bulgaria
Dr. von Noorden, United Kingdom
Mrs. Dr. Wiewiorowska