

# INTERNATIONAL INSTITUTE OF SPACE LAW

OF THE INTERNATIONAL ASTRONAUTICAL FEDERATION

## INSTITUT INTERNATIONAL DE DROIT SPATIAL

DE LA FEDERATION ASTRONAUTIQUE INTERNATIONALE

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### NEWSLETTER No. 51 - DECEMBER 1996

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#### **I. THE 39TH IISL COLLOQUIUM** **BEIJING, CHINA** **7-12 OCTOBER 1996**

The 39th Colloquium on the Law of Outer Space was held in Beijing, China, from 7 to 11 October 1996. The Colloquium was attended by some 60 participants, and about 50 papers were registered. A report of the Colloquium will appear in the next issue of the Journal of Space Law.

The following sessions were held:

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

Session 2: Cases and Methods of Dispute Settlement in Space Law. Chairman Prof. K.-H. Böckstiegel (Germany). Rapporteur: D. Crowther (France)

Session 3: Legal Aspects of Sharing Benefits from the Conduct of Space Activities. Chairman: Dr. S. Doyle (USA). Rapporteurs: B. Coebergh and J. Richer (USA)

Session 4: Other Legal Subjects. Co-Chairmen: Prof. T. Kosuge (Japan), Dr. E. Fasan (Austria). Rapporteurs: Y. Hashimoto (Japan) and Abu Bakar Munir (Malaysia).

A Scientific-Legal roundtable was organized in cooperation with the IAA on "The future of space telecommunications".

- One session in Beijing was again devoted to a discussion of all colloquium topics, and was presided over by the President of the Institute. For this purpose, the first and second sessions were combined. Each chairman gave a report on the issues that were raised during his ses-

sion, and each rapporteur briefly commented on those issues, after which an extensive open discussion took place. This session was particularly well attended, and will be repeated in Turin.

- The 5th Manfred Lachs Space Law Moot Court Competition was held on 10 October. The University of Helsinki (Finland) and the University of Wyoming (USA) competed in a case concerning Liability for commercial space endeavors (Parlivia vs. Californium *et al.*), written by Pamela Meredith. The University of Helsinki team won the competition. Its members were Satu Heikkilä and Anna Markkanen. The members of the University of Wyoming team were Bastiaan Coebergh and Joseph Richer. The Institute was particularly grateful to the ICJ Judges who had accepted the invitation to judge the finals, i.e. Judge Chr. Weeramantry, Judge V. Vereshchetin and Judge G. Herczegh. The University of Beijing hosted the competition and offered a reception after the finals. The Chinese Foreign Ministry also sponsored the competition, and KLM Royal Dutch Airlines and Air China provided tickets for the judges. AUSMIISL and ECSL supported the competition by sending the winning teams of the preliminaries to Beijing. The case and the written briefs will be published in the IISL Proceedings.

For the sixth competition, please refer to the section on the 1997 IISL Colloquium.

- The Board meeting was held on Monday 7 October, and the General Assembly of Members on Friday 11 October. The following paragraphs summarize the proceedings of these two meetings.

### i. Activities & Publications

- **Standing Committee on the Status of Space Law Treaties**: the 1996 report of this Committee was presented and will be published in the proceedings.
- **Committee on definitional issues in space law** and **Committee on dispute settlement and cases regarding activities in outer space**: no significant progress has been made by these committees, and the Board will reconsider their mandates at the next Spring meeting.
- **Proceedings of the Beijing Colloquium** will be published by the AIAA; members and authors may buy a copy at a reduced price.
- A **1996 Brochure** describing the IISL, its programs and officers was published with the support of Dr. Kosuge; a copy is enclosed with this newsletter.
- An overall **author and subject index of IISL proceedings**, as a joint UN/IISL effort, has been published. The IISL President will mail a copy to all paid-up IISL members.
- **UN Highlights in Space Report**: the IISL has again prepared a report on recent developments in space law for the UN annual review of developments in international cooperation and space law.
- **New Membership list**: all paid-up IISL members will find the new updated list with this issue of the newsletter. **Members are urgently requested to communicate any changes to the secretariat, and also to inform the secretariat of their e-mail address if not yet included!**
- **Membership Certificates**: the Board will pursue the question of issuing certificates of membership to paid-up IISL members at its next Spring meeting.

### ii. Financial situation

- The report of the Treasurer, Dr. Lafferranderie, shows the following balance as per 30 September 1996:  
I. **French Francs Account** with Barclays Bank, Paris: FF 42.989,77 (i.e. an increase of FF 13.843,93 as compared to last year)  
II. **US Dollar Account** with Barclays, Paris: US\$ 30.534,43, most of which is placed in

short term bonds (i.e. an increase of US\$ 6.726,18 as compared to last year).

- The Institute is grateful for the annual support of the Centre National d'Etudes Spatiales (France), ESA and the Academy of Sciences (Russia).

- An estimated budget for the period October 1996-September 1997 has been established.

### iii. Dues

The dues status on 30 September 1996 was as follows: of the 355 registered members, 207 are fully paid up. Ten members are in arrears of their 1995 and 1996 dues, and 22 of their 1996 dues. There are still 116 members who have never paid any dues, and the Board of Directors has decided to send them one last letter, and to remove them to a list of former members if payment is not received before the Board's Spring meeting. Members who are in arrears of dues for 1995 and/or 1996 will find a **reminder** enclosed with this Newsletter. Those who have paid until 1996 will receive a request for payment of 1997 dues with this Newsletter.

### iv. Elections

- In December 1996, **IISL Secretary Tanja Masson-Zwaan** will be moving to Singapore. She will remain Secretary of the Board, but several tasks will be maintained at the Paris office, such as the mailing of newsletters, bank matters, etc. Also the Paris address will remain the official mailing address of the IISL. Therefore, **Ms Daphne Crowther**, the Secretary of ESA's European Centre of Space Law, was appointed by the Board to serve as **Assistant to the Board**. Her appointment has been approved by ESA, and the General Assembly has endorsed this solution. She can be reached at the usual IAF address and numbers, and also at the following: fax 33 1 42199099, e-mail dcrowthe@hq.esa.fr.
- The **terms of office of the following Directors expired in 1996**: N. Jasentuliyana (President) (UN/Sri Lanka), G. Catalano Sgrosso (Italy), A. Cocca (Argentina), G. Gál (Hungary) and M. Komar Kantaatmadja (Indonesia). In addition, the new Statutes provide for 12 Directors while there are only

11 at present, and thus one additional vacancy should be filled.

• The members of the Nomination Committee were: Dr M. Bourély (Chairman), Dr. E. Galloy and Ms R. Trinder.

The General Assembly adopted the following:

\* Re-election/election as Board Member of:

° Dr G. Catalano Sgrosso (Italy)

° Dr N. Jasentuliyana (UN/Sri Lanka)

° Dr. M. Komar Kantaatmadja (Indonesia)

° Dr R. Gonzalez (Amb. of Chile in Rumania)

° Dr L. Perek (Astronomical Inst., Academy of Sciences, Czech Rep.)

° Dr Marcia Smith (Congressional Research Service, Library of Congress, USA)

\* Re-election as President of:

° Dr N. Jasentuliyana (UN/Sri Lanka)

\* Nomination as Honorary Director of:

° Dr A. A. Cocca (Argentina)

° Dr G. Gàl (Hungary).

#### **v. New members**

The following new members were elected:

Max Planck Institute for Comparative Public Law & Int'l Law

Berlinerstrasse 48

69120 Heidelberg, GERMANY

Ms Daphné Crowther

ECSL Secretary

ESA DA/LA

8-10 rue Mario Nikis

75015 Paris, FRANCE

Mr. Jean de Mourzitch

Avocat à la Cour

14 Avenue Pierre 1er de Serbie

75116 Paris, FRANCE

Mr. E. Julian Hermida

Attorney at law

Cerrito 1136, 9th floor

Buenos Aires 1010, ARGENTINA

Prof. Rosa Maria Ramirez de Arellano y Haro

Aniceto Ortega 823, #501, Col. Del Valle

CP 03100 Mexico DF, MEXICO

Mr. Rafaël Roelandt

ISU

18 rue des Orfèvres

67000 Strasbourg, FRANCE

Prof. Hiroshi Saitoh

Department of Law

Heisei International University

2-3-9 Miyashita, Kawagoe,

Saitama, JAPAN

Dr. Hamid Shadkar

Civil Aviation Organization

Mehrabad International Airport

Tehran, IRAN

Mr. Daniel Stein

Cabinet Stein

169 Boulevard Haussmann

75008 Paris, FRANCE

Prof. Hozumi Tanaka

Faculty of Law

Sapporo University

3JO-7-3-1, Nishioka, Toyohira-ku

Sapporo 062, JAPAN

Mr. Walter Thiebaut

ESA DA/LA

8-10 rue Mario Nikis

75738 Paris Cedex 15, FRANCE

#### **vi. Certificates and Awards**

At the Closing Banquet of the Congress, an IISL Certificate was awarded to Prof. F. Lyall of the University of Aberdeen, Scotland UK, "in recognition of his outstanding contributions to space law, as a distinguished lecturer and author on space law, and for his enthusiastic guidance and leadership provided to the Institute as a member of the Board of Directors". Also, a special certificate was presented to Dr. He Qizhi of the Department of Treaties and Law of the Chinese Foreign Ministry, "in recognition of his outstanding contributions to space law and policy, as an author and teacher, and diplomat representing the People's Republic of China to the United Nations Committee on the Peaceful Uses of Outer Space, and in special recognition of his invaluable services to the International Institute of Space Law, as a distinguished member of its Board of Directors".

## **II. THE 40TH IISL COLLOQUIUM**

**TURIN, ITALY**  
**6-10 OCTOBER 1997**

**i. Session & Chairmen**

**"Symposium celebrating the 30th Anniversary of the Outer Space Treaty of 1967"**

Session 1: Background and History of the Outer Space Treaty

Chairmen: N. Hosenball and A.A. Cocca  
(*invited papers only*)

Session 2: Concepts of Space Law and the Outer Space Treaty

Chairmen: E. Galloway and G. Catalano Sgrosso

*A session to explore the concepts of law contained in the Outer Space Treaty and the elaboration of those concepts as contained in the subsequent international treaties and agreements in space law*

Session 3: Applications & Implementation of the Outer Space Treaty

*A session to explore the problems and realities of applying and implementing the Outer Space Treaty and the basic provisions of space law therein*

Chairmen: S. Doyle and G. Lafferranderie

Session 4: The Future Applications of the Outer Space Treaty

*Examination of the Treaty from a 21st century perspective; should the Treaty be amended, supplemented or otherwise reinforced?*

Chairmen: K.-H. Böckstiegel and A. Terekhov

The possibility of a special event (a dinner for example) for the IISL on the occasion of the 30th anniversary of the Treaty (10th October 1997), and the 40th anniversary of the Colloquium on the Law of Outer Space is being investigated.

The Secretary is the Coordinator for all four sessions. Members who are interested in serving as rapporteurs are invited to contact the Secretary before March 15, 1997.

**ii. Practical Arrangements**

- 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 page 32 of the **1997 IAF Call for Papers** which was sent to all IISL Members. Each abstract must be accompanied by the **abstract information form** on page 33 of the Call for Papers.

- Abstracts must reach the IAF by 1 March 1997 at the latest! \_

- The decision on acceptance will be made at the Spring meeting, in April 1997. Authors will be notified of acceptance of their papers in **May 1997**.\_

- 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 the AIAA, who will also mail an author's instruction kit and indicate the deadline for submitting the paper for publication. The AIAA can be reached at 1801 Alexander Bell Drive, suite 500, Reston, VA 22091, USA, phone 1 703 264 7500, Fax 1 703 264 7551, <http://www.aiaa.org>.

- Authors should bring ± 75 copies of their papers for distribution at the Colloquium.

- 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 on Friday 10 October. For this purpose, two of the other sessions will be combined into one 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.

- 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. 6th Manfred Lachs  
Space Law Moot Court Competition**

The Case for the 1997 competition has been finalized and distributed to universities, and contact has been made with authorities in Turin for the organization of the competition. The case, which deals with Very High Resolution (VHR) remote sensing systems, was written by *Harry Tuinder, Marco Ferrazzani* and *Frans von der Dunk*. Copies may be obtained from the Secretariat.

AUSMIISL and ECSL will again organize preliminary competitions in the US and Europe in the Spring of 1997. In addition, an Asian Regional Preliminary is being considered. The Board will further study the matter and discuss it at its Spring meeting. The Board will take a close look at the current rules and propose modifications to accommodate other regional rounds, and will also set the standard rules with which all regionals must comply.

### **III. THE 41ST IISL COLLOQUIUM MELBOURNE, AUSTRALIA, 28 SEP.- 2 OCT. 1998**

Regarding the topics for the 1998 Colloquium, Members are strongly encouraged to suggest topics to the Board; suggestions must be received in Paris by **15 March 1997**, since the Board will decide on these topics at its Spring meeting. Suggestions which have already been made are:

- Legal and policy aspects of Confidence Building Measures using space technology,
- The 30th anniversary of the Rescue Agreement,
- Legal aspects of navigation satellites,
- Legal Aspects of Sharing Benefits from the Conduct of Space Activities.
- Institutional approaches to managing space resources.

### **IV. COPUOS MEETINGS**

The dates of the 1997 sessions of the COPUOS are as follows:

- 17-28 Feb.'97: Scientific/Technical Sub-C'ee
- 1-18 April '97: Legal Sub-Committee
- 2-13 June '97: COPUOS Plenary Session

All sessions will take place in Vienna. Members who would like to serve as official IAF observer 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 the same topic as that of the Turin IISL Colloquium, for the delegates and staff of the Legal Subcommittee session; the Coordinator of the 1997 program is Dr. E. Fasan.

### **V. MISCELLANEOUS**

- The IAF General Assembly has approved the new IISL Statutes as amended in Oslo in 1995, at its meeting in Beijing.

- IISL Member Dr. L. Haeck is involved in a new project by the Ecole Polytechnique and the Royal Military College, to create a multimedia course on space law funded by the Department of National Defense (Canada). Dr. Haeck was further appointed by the Canadian Space Agency to act as interface with the European Centre for Space Law at ESA, Paris.

- **E-mail**: the Secretary requests members to send their e-mail addresses for inclusion in the membership list; the Secretary can be reached at <jm13@calva.net>.

- **Internet**:

For your information we provide the following addresses:

- **IAF** (incl. )IISL: [www.iafastro.iplus.fr](http://www.iafastro.iplus.fr)

- **UN Office for Outer Space Affairs**:

[http://www.un.or.at/OOSA\\_Kiosk/index.html](http://www.un.or.at/OOSA_Kiosk/index.html)

- **European Centre for Space Law (ESA)**:

<http://edms.esrin.esa.it/ecsl/index.html>

### **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 1997**. The Board reserves the right to decide what information will be published.

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

IISL members are entitled to purchase copies of the Proceedings at a 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 1979-1984 retail for US\$50 an issue (US\$25 for IISL members); the 1985 issue is out of print; issues from 1986-1993 retail for US\$59.50 an issue (US\$29.50 for IISL members). Issues from 1994-1996 retail for US\$84.95 an issue (US\$64.95 for IISL members). All orders outside the US and orders inside the US under \$100 must be prepaid. An order form may be obtained from the IISL Secretary.