

INTERNATIONAL INSTITUTE OF SPACE LAW
OF THE INTERNATIONAL ASTRONAUTICAL FEDERATION

INSTITUT INTERNATIONAL DE DROIT SPATIAL
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NEWSLETTER No. 53 - NOVEMBER 1997

I. THE 40TH IISL COLLOQUIUM
TURIN, ITALY
6-10 OCTOBER 1998

The 40th Colloquium on the Law of Outer Space was held in Turin, Italy, from 6 to 10 October 1997. The Colloquium was attended by a record number of over 75 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: Background and History of the Outer Space Treaty

Chairman: A.A. Cocca

Rapporteur: J.F. Renaud

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

Chairmen: E. Galloway; G. Catalano Sgrossio

Rapporteur: M.L. Longo

Session 3: Applications & Implementation of the Outer Space Treaty

Chairmen: S. Doyle; G. Lafferranderie

Rapporteur: F. von der Dunk

Session 4: The Future Applications of the Outer Space Treaty

Chairman: K.-H. Böckstiegel

Rapporteur: O. Ribbelink

A Dinner Celebrating the 30th Anniversary of the 1967 Outer Space Treaty, graciously

offered by SAGAT Turin Airport, was held on 7 October at the beautiful Villa Sassi restaurant outside Turin. Over 90 persons attended, including officials of the IAF and IAA and many prominent space lawyers, some of whom had actually taken part in the drafting of the Treaty thirty years earlier. Prof. Bin Cheng, who was awarded an IISL Award for his writings on air and space law, gave an entertaining dinner speech, which will be published in the Proceedings.

A Scientific-Legal roundtable was organized in cooperation with the IAA on "SETI and Society".

The finals of the 6th Manfred Lachs Space Law Moot Court Competition were held on 9 October. The competition was realized with the help of the University of Turin, the Local Organizing Committee of the IAF, KLM Royal Dutch Airlines, the European Centre for Space Law (ECSL), and the Association of US Members of the IISL (AUSMIISL). Preliminary competitions were held in Europe and the USA, and the winners of those preliminaries met in the final round in Turin. The University of Turin hosted the competition and offered a reception after the finals. The University of Paris XI (France) and the University of North Carolina (USA) competed in the case "Openskey vs. Antipapadia", dealing with Very High

Resolution (VHR) remote sensing systems. The members of the University of Paris team were Ranjani Srinivasan, Jean François Renaud and Amine Lachaani. The US team was composed of Christina Benson and Scott Syfert. The honourable court was composed of Judge Koroma (President) Judge Rezek and Judge Vereshchetin of the International Court of Justice in The Hague. The team of the University of Paris won the competition. The case and the written briefs will be published in the IISL Proceedings.

The Law Offices of Sterns and Tennen presented two Outstanding Oralist awards to Ms Ranjani Shrinivasan from France and Ms Christina Benson from the USA. Prof Gorove presented a one-year subscription to the Journal of Space Law to the members of the French team who won the Award for the Best Memorial. The AUSMIISL had as usual sponsored the plaques for the winner and runner-up.

To celebrate the 30th anniversary of the Outer Space Treaty, the Institute had, in cooperation with the UN Office for Outer Space Affairs, republished the **Proceedings of the first three IISL Colloquia (1958-1960)**. The sets of three books were offered for sale at the Turin Colloquium, and may be ordered by means of the enclosed order forms. The price per set of US\$30 covers the costs of printing.

- The Board meeting was held on Monday 6 October, and the General Assembly of Members on Wednesday 8 October. The following paragraphs summarize the proceedings of these two meetings.

i) Change of Statutes

In accordance with Article VIII, Section 2 of the Statutes, the President requested the General Assembly to confirm the proposal for an amendment to Article III Section 2 of the Statutes

Proposed amendment of Article III, Section 2:

- i) delete the phrase "not already members of the International Astronautical Federation, and" from Section 2;
- ii) Add a sentence at the end of Section 2 as follows: "Corporate bodies and

other institutions that are members of the International Astronautical Federation (IAF) may be elected as institutional members of the Institute so long as no prejudice to the IAF is thereby incurred".

The Assembly adopted the amendment.

The new Section 2 of Article III now reads:

"Section 2: Corporate bodies and other institutions actively engaged or otherwise interested in the field of space law or other social science aspects related to space activities, may be elected by the Board of Directors as institutional members of the Institute upon an application recommended in each case by a Director, or by three members of the Institute. Corporate bodies and other institutions that are members of the International Astronautical Federation (IAF) may be elected as institutional members of the Institute so long as no prejudice to the IAF is thereby incurred."

Members who wish to obtain a copy of the amended Statutes may request one from the Secretary.

ii. Activities & Publications

- Proceedings Colloquia: the Beijing volume has been published, and the new publication contract with AIAA is being finalized.
- Reprint of the first three volumes of IISL Proceedings with the help of the UN Office for Outer Space Affairs: A limited number of sets was offered for purchase to Turin colloquium attendants. An order form is enclosed with this Newsletter, and announcements will be made in various specialized journals.
- Standing Committee on the Status of International Agreements Relating to Activities in Outer Space (Dr. Terekhov); the report was made available at the Colloquium and will be sent to members requesting a copy. The report will as usual be published in the Proceedings. The President thanked Dr Terekhov and his colleagues for their efforts.
- UN Contract for Highlights in Space Report: the IISL will again prepare a report on legal developments under contract with the

UN. The report will as usual be prepared by S. Doyle. Copies of last year's report are available from the President's office in Vienna.

• Membership certificates: a draft for the certificates has been prepared with the help of Dr L. Tennen, and the certificates are expected to be available early 1998 for all paid-up Members.

• UNISPACE III will be held in Vienna from July 19 to July 30, 1999. Space Law is on the Agenda of the meeting and IISL has been invited to organize the workshop on space law. The Board is considering topics which will be finalized at the Spring Board meeting.

• Special event organised every two years: The Board intends to organize a special Asian IISL event in 2001 in for instance Singapore. The event could be in the form of a workshop, with support from local institutions and entities.

• Brochure: A new version will be prepared, as the current version dates back to Spring 1996, in order to reflect developments in Board composition, as well as the change of Statutes. Prof Kosuge has agreed to look into the matter.

• History Booklet: Dr Doyle will study the IISL archives when in Paris for the next Spring Board meeting and draft a new edition of this booklet.

• Proposal for a new Study Group: Regarding a proposal to set up a new IISL group to study legal problems concerning international space stations, the Board will first formulate "Terms of Reference" for such a study, before giving formal approval.

• 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!

iii. Financial situation

The report of the Treasurer, Dr. Lafferranderie, shows the following figures:

Income was ± 13.000 French Frs, and ± \$12.000. Expenses were ± 55.000 French Frs, and ± \$ 750.

Budgeted for the next year: Income 25.000 French Frs and \$11.500. Expenses 37.000 French Frs and \$ 2000.

Members interested in the detailed financial statement may request a copy from the Secretary.

iv. Dues

Out of 257 members (including 2 institutional members), 163 owe nothing at the moment. 74 persons owe 1 year (1997), 14 persons owe 2 years (1996-97), and 6 persons owe 3 years (1995-96-97). Future calls for dues will be sent in the form of an Invoice inviting payment of five successive years. A campaign to attract new institutional members will be started. An invoice for dues payment is mailed with this newsletter.

v. Elections

The terms of office of the following Directors expired in 1997 : Dr. V. Kopal (Czech Republic, Vice-President), Dr. N.M. Matte (Canada, Vice-President), Mrs T. Masson-Zwaan (The Netherlands, Secretary), Prof. Dr. K.-H. Böckstiegel (Germany), Dr. S.E. Doyle (USA), Dr. E. Gaggero (Uruguay), Dr. He Qizhi (China), Prof. T. Kosuge (Japan), Dr. A. Terekhov (UN/Russia).

The members of the Nomination Committee were: Prof. Lyall as Chairman, Marcia Smith, Martha Mejia-Kaiser and Hanneke van Traa-Engelman.

The General Assembly adopted the following:

Re-election of Dr. V. Kopal (Czech Republic), Dr. N.M. Matte (Canada), Mrs T. Masson-Zwaan (The Netherlands), Prof. Dr. K.-H. Böckstiegel (Germany), Dr. S.E. Doyle (USA), Dr. He Qizhi (China), Prof. T. Kosuge (Japan) and Dr. A. Terekhov (UN/Russia) as Board Members

• Election of Dr J. Monserrat, Filho (Brazil) as Board Member

• Re-election of Dr. V. Kopal (Czech Republic) and Dr. N.M. Matte (Canada), as Vice-Presidents and of Mrs T. Masson-Zwaan (The Netherlands) as Secretary.

Ms Daphné Crowther will be ending her assignment as Assistant to the Board as of

January 1998 because she has to pursue her professional activities after she will leave ECSL. The Board is happy to announce that it has appointed Mrs Annie Moulin (IAF) to take over her task as Assistant to the Board as per 1 January 1998.

vi. New members

The following new members were elected:

Institutional member:

Law Offices of Sterns and Tennen
P. Sterns/ L. Tennen
849, North Third Avenue
Phoenix, Arizona 85003-1439, USA

Individual members:

Dr. R.I.R. Abeyratne
ICAO, Suite 1134
299 University Street
Montreal Quebec, CANADA H3C 5H7

Dr. M. Bahrami
Mechanical Engineering Dept.
Amir Kabir University of Technology
424, Hafez Avenue
Tehran 15, IRAN

Dr. K.-U. Schrogel
DARA (German Space Agency)
P.O. Box 30 03 64
D-53183 Bonn, GERMANY

vii. Certificates and Awards

The Board of Directors gave a lifetime achievement award to Hon. E. Finch, Jr., "Author, Lecturer, and Consultant on Space Law to Government, Private Enterprise and The Scientific Academic Community, In Recognition of his Lifetime of Leadership and Contributions to Legal, Social, and Scientific Aspects of Astronautics and the Advancement of The Peaceful Uses of Outer Space".

A Book Award was offered to Prof. Bin Cheng, "in recognition of his extraordinary, authoritative and lasting contributions to the progressive development of international law, through his numerous leading publications on general international law, air law and space law" at the Closing Banquet of the Congress.

II. THE 41ST IISL COLLOQUIUM

MELBOURNE, AUSTRALIA

28 September - 2 October 1998

i. Session & Chairmen

Session 1: Institutional approaches to managing space resources, Chairmen: T. Masson-Zwaan (The Netherlands) & Representative of Monash University, tbd

Session 2: Legal and policy aspects of Confidence Building Measures using space technology, Chairmen T. Kosuge (Japan) & S. Doyle (USA)

Session 3: Legal aspects of navigation satellites and Global Positioning Systems, Chairmen P. Sterns (USA) & He Qizhi (China)

Session 4: Other Legal Matters, Including The 30th Anniversary of the Rescue Agreement Of 1968, Chairmen M. Komar Kantaatmadja (Indonesia) & F. Lyall (UK)

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, 1998.

ii. IISL Dinner

At the General Assembly in Turin, Ms. P. Sterns (USA) had expressed her appreciation to Prof Catalano Sgrossio and the Board for having organized the IISL Dinner. While realizing that the Institute had been particularly privileged this year to have been treated to such a beautiful and entirely sponsored dinner, she proposed that such a special evening for IISL members should become a tradition and asked the Assembly to request the Board to try to organize such a sponsored event every year or, in case no sponsor could be found, whether the members would be willing to pay a reasonable price for their own meal. The Assembly agreed with this proposal, and thus the Board will try to find a corporate sponsor for an IISL dinner in Melbourne, or, if no sponsor can be found, arrange for a meal at a reasonable price to be paid by the members.

In this connection, Mr F. von der Dunk announced that the International Institute of Air and Space Law in Leiden, of which he is

Co-Director, would be happy to sponsor the IISL Dinner during the 1999 Colloquium in Amsterdam. This proposal was met with unanimous appreciation by the Assembly. The Board will warmly welcome any suggestions and proposals regarding this new IISL activity.

iii. 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 36 of the **1998 IAF Call for Papers** which was sent to all IISL Members. Each abstract must be accompanied by the abstract information form on page 37 of the Call for Papers.
- Abstracts must reach the IAF by 1 March 1998 at the latest!
- The decision on acceptance will be made at the Spring meeting, in April 1997. In order to speed up the process, and to enable authors to start writing their paper sooner than in the past, auhtors will be notified of acceptance of their papers via email or fax, immediately after the Spring Board session, by the IISL Secretary. Official notification by the IAF will follow in **May 1998**.
- 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 may decide to organize a separate discussion session. For this purpose, two of the other sessions may 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.

iv. 7th Manfred Lachs Space Law Moot Court Competition

The Case for the 1998 competition has been finalized and distributed to universities, and The 7th Manfred Lachs Space Law Moot Court finals and reception will be hosted by Monash University. The case (Freedom v. Bravatia) deals with the Commercial Exploitation of the Moon (The Rover Games Project) and was written by D. O'Donnell and J. Gantt. Copies may be obtained from the Secretariat.

AUSMIISL and ESSL will again organize preliminary competitions in the US and Europe in the Spring of 1998. In addition, the possibility of organizing an Asian Regional Preliminary is being studied.

III. THE 42ND IISL COLLOQUIUM AMSTERDAM, NETHERLANDS, 1999

The IAF had requested a preliminary indication of our sessions for the 1999 Colloquium, and the final programme (sessions and chairmen) should be submitted by January 1998.

The Board considered the following session topics:

- Legal Aspects of Space Station Utilization (patents, property rights, crew, commercial uses, debris, international cooperation, private sector,...)
- Legal aspects of international telecommunications (new developments, LEO,...)
- Legal implications of expanding privatization in space (national law aspects, interaction between government and industry,...)
- Other legal matters, including legal aspects of launching space objects from non-terrestrial sites.

IV. COPUOS MEETINGS

The dates of the 1998 sessions of the COPUOS are as follows:

- 9-19 Febr.: Scientific/Technical Sub-C'ee
- 23 March - 9 April: Legal Sub-Committee
- 3-12 June: 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 the end of January.

JOINT IISL/ECSL WORKSHOP

As in previous years, the IISL will organize a symposium for the delegates and staff of the Legal Subcommittee session; the Coordinator of the 1998 program is, as usual, Dr. E. Fasan. The topic is "Review of the Status of the Outer Space Treaties".

V. MISCELLANEOUS

• E-mail: the Secretary requests members to send their e-mail addresses for inclusion in the membership list; the Secretary can be reached at <jtmasson@cyberway.com.sg>.

• Internet:

For your information we provide the following addresses:

- IAF (including IISL): www.iafastro.com
- UN Office for Outer Space Affairs:
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 1998. 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.

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