

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. 55 - DECEMBER 1998

THE 41st IISL COLLOQUIUM
MELBOURNE, AUSTRALIA
SEP. 28- OCT. 2, 1998

The 41st Colloquium on the Law of Outer Space was held in Melbourne, Australia from 28 Sep. to 2 Oct. 1998. About 50 papers were registered, and more authors than ever had come to the Colloquium to present their paper. A report of the Colloquium will appear in the next issue of the Journal of Space Law.

The following sessions were held:

Session 1: Managing Space Resources and Revitalizing Space Treaties, Chairmen M. Davis (Australia) and S. Doyle (USA), Tuesday a.m., Frans von der Dunk, rapporteur.

Session 2: Confidence Building and Commercial Interests in Space Treaties, Chairman, T. Kosuge (Japan), Tuesday, p.m., Catherine Baudin, rapporteur.

Session 3: Legal Aspects of Navigation Satellites, GPS, Space Applications and Space Uses. Chairmen, F. Lyall (UK) and M. Komar Kantaatmadja (Indonesia), Thursday a.m., Thierry Herman, rapporteur.

Session 4: Other Issues of Space Law, Including the 30th Anniversary of the Rescue Agreement of 1968, Chairmen P. Sterns (USA) and He Qizhi (China), Friday a.m., Leslie Tennen, rapporteur.

The Board of Directors adopted a Resolution in appreciation of the Acting Dean and the members of the Faculty of Law of Monash University, and especially Prof. Wickrema Weerasooria and Dr. Kumar Amarasekara, for their outstanding support for the 41st Colloquium and the arrangements for hosting the 7th Moot Court Competition, and the dinner honouring the visiting Judges of the International Court of Justice. Also, Dr. Jasentuliyana expressed the appreciation of the IISL for the support for the IISL dinner by Mr. Michael Davis of Ward and Partners, Lawyers of Adelaide, Australia, and Mr. Paul O'Connor of Willis Corroon Inspace, Singapore.

7th Manfred Lachs Space Law
Moot Court Competition

The finals of the Moot Court Competition (Freedom v. Bravatia) were held in the Supreme Court of Victoria, Melbourne, on Thursday, October 1, 1998 between the teams of the University of North Carolina (USA), including Robin Frankenberg and Gary Smith, and the University of Helsinki (Finland), including Mirkka Mykkanen and James Summers. Monash University's Faculty of Law served as hosts of the competition and arranged a dinner on Wednesday evening, September 30, 1998 honoring the three visiting judges of the ICJ, namely

Judges Weeramantry (Vice President of the Court), Koroma, and Vereshchetin.

Singapore Airlines assisted with the travel of the judges. The Law Offices of Sterns and Tennen provided an award for the Outstanding Oralist, and Prof. Gorove (Journal of Space Law) made the award for the team with the Best Memorial. The AUSMIISL had as usual sponsored the plaques for the winner and runner-up, and also sponsored the bus transportation to the Moot Court Competition.

The results of the 1998 competition were:

- Winning Team: University of North Carolina (USA)
- Best Memorial: University of Helsinki (Finland)
- Best Oralist: Robin Frankenberry (USA)

The case and the written briefs will be published in the IISL Proceedings.

Activities & Publications

- Proceedings Colloquia: the Turin volume has been published, and the new publication contract with AIAA has been signed.
- Standing Committee on the Status of International Agreements Relating to Activities in Outer Space: 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. This year's report has two new features: (1) the inclusion of information about the participation of States in the votes involved in adopting the UN Resolutions on Principles, and (2) on the final page of the state list there is a mark of totals showing the total numbers of which have signed and/or ratified the various agreements reported. 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. Dr. Doyle has the lead responsibility on this project. Copies of last year's report are available from the President's office in Vienna.
- Membership Certificates: the Certificates have been mailed to all paid-up members.
- Special event organised every two years: The Board wishes to organize appropriate special space law related activities in different areas. The IISL Workshop in Vienna

is such an activity for 1999, and a special symposium could be arranged in Singapore or in Sri Lanka in 2001.

- Brochure: A new version has been published with the kind support of Prof Kosuge. A copy is enclosed, further copies may be requested from the Secretariat.
- History Booklet: a new edition of this booklet will be prepared for Amsterdam.
- 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!

Financial situation

The report of the Treasurer, Dr. Lafferranderie, shows the following situation (roughly translated to US Dollars):

Income: ± \$14.500. Expenses: ± \$ 10.750.

Budgeted for the next year:

Income \$16.000; Expenses \$9000.

Financial balance as per 15 September 1998:

French Francs account: FF 34.535,92

US dollar account: US\$ 31.968,04

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

Dues

An invoice for 1999 dues is enclosed where applicable. Members are encouraged to pay for five successive years. Members who were three or more years in arrears as of December 31, 1997 were dropped from the membership role and listed as former members. The possibility of paying membership dues by credit card is being explored.

Elections

The Nominating Committee comprised Ms. M. Smith (Chair), Dr. A Terekhov and Dr. L. Tennen. The terms of office of Dr. G. Lafferranderie (Director & Treasurer) and Prof. Francis Lyall (Director) expired in 1998. The Nominating Committee proposed reelection of the two Directors and Treasurer. Upon motion, duly seconded, and without objection, the proposed slate was elected.

Upon questions raised by the membership, Dr. Jasentuliyana clarified that the names of potential officers or directors may be notified to any officer or director at any time during the year, noting that these names should be submitted on a timely basis to the Nominating Committee. All names submitted will be fully considered. Directors should be persons capable of supporting the IISL and usually participating in the spring and fall meetings of the Board. All interested candidates are encouraged to make their eligibility known to the leadership of the Institute. It is the usual practice for the President to appoint a Nominating Committee at the spring meeting of the IISL Board in Paris, and for the Nominating Committee to form a slate between the spring Board meeting and the fall Colloquium. He further noted that the Bylaws provide for secret ballots, when requested, at the meetings of the General Assembly.

New members

The following new members were elected:

Institutional members:

Institute of Air and Space Law, University of Lapland (Prof. M. Andem, Director)
PO Box 122
96101 Rovaniemi, FINLAND

Institute of Air and Space Law, University of Cologne (Prof. K.-H. Böckstiegel, Director)
Albertus-Magnus-Platz
5000 Cologne 41, GERMANY

Individual members:

Dr. M. G. Chandrasekhar
VP & General Manager
WorldSpace India
9th Floor, Shankarnarayana Towers
25/2, M. G. Road
Bangalore - 560 001, INDIA

Mr. Michael E. Davis
Law Offices of Ward & Partners
26 Flinders Street, 12th Floor
Adelaide, SA, AUSTRALIA

Mrs. Maria Helena Fonseca de Souza Rolim
Legal Adviser
Instituto Nacional de Pesquisas Espaciais

Praca Candido Dias Castejon, 116
12.245-720 Sao Jose dos Campos
Sao Paulo, BRAZIL

Dra. Marta Gaggero Montaner
CIDA-E
Colonia 959
11.100 Montevideo, URUGUAY

Mr. Jürgen A. Heilbock
Jones, Day, Reavis & Pogue
Grüneburgweg 102
60323 Frankfurt, GERMANY

Dra. Paula Miranda
SHIS Q1 29 Conjunto 13 casa 09
Lago Sul-Brasilia DF, CEP 71.675-330
BRAZIL

Mr. Roscoe M. Moore
1111 Army Navy Drive, Apt. 1203
Arlington, Virginia 22202, USA

Mr. Cezary Tomasz Szyjko
Lazurowa str. 6-35
01-315 Warsaw, POLAND

Certificates and Awards

The Board of Directors gave a Lifetime Achievement Award to Dr. Carl Q. Christol. A Special Services Recognition Award was presented to the Law Offices of Sterns and Tennen. Both Awards were presented at the IAF Banquet on Friday evening, October 2, 1998.

THE 42ND IISL COLLOQUIUM AMSTERDAM, NETHERLANDS 4-8 October 1999

Session & Chairmen

- Session 1: Legal Aspects of Space Station Utilization (patents, property rights, crew, commercial uses, debris, international cooperation, private sector,...). Chairmen: Prof. Dr. I. Diederiks-Verschoor (The Netherlands) & Prof. Dr. H.A. Wassenbergh (The Netherlands)
- Session 2: New developments relating to legal aspects of telecommunications (LEOs, tethered structures, geostationary platforms in the stratosphere, and recent ITU

- regulations). Chairmen: Ms. Marcia Smith (USA) & Dr. L. Perek (Czech Republic)
- Session 3: Legal implications of expanding privatization in space (national law aspects, interaction between government and industry,...). Chairmen: Prof. J. Galloway (USA) & Ms T. Masson-Zwaan (The Netherlands)
 - Session 4: Other issues of Space Law, including legal aspects of launching space objects from non-terrestrial sites. Chairmen: Dr. J Monserrat, Filho (Brazil) & Dr. L. Tennen (USA)

The proposed paper presenters will be asked to maintain e-mail contact with their session chairs to facilitate a good planning and effective colloquium structure.

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, 1999.

IISL Dinner

The International Institute of Air and Space Law in Leiden will arrange the IISL Dinner during the 1999 Colloquium in Amsterdam.

Practical Arrangements

- All authors must submit an abstract for approval by the Board, before an IISL paper is accepted for the colloquium.
- The abstract must comply with the instructions provided on page 56 of the **1999 IAF Call for Papers** which was sent to all IISL Members. Each abstract must be accompanied by the **abstract information form** on page 57 of the Call for Papers.

- Abstracts must reach IAF 6 March at the latest (in stead of 22 February, extension only for IISL papers!)

Check <http://www.iafastro.com> for the latest updates on the Amsterdam Colloquium!!

- The decision on acceptance will be made at the Spring meeting of the Board. In order to speed up the process, and to enable authors to start writing their paper sooner than in the past, authors 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 should follow in **May 1999**.

- The full text of the papers must be typed in two columns, in English, on regular paper and submitted by September 28, 1999, in accordance with the AIAA's written instructions which authors will receive from the IAF, after their paper has been accepted.

- 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 when ordered at the time of printing upon notification by the AIAA. If the proceedings are ordered later, IISL members will be charged the AIAA member rate (see below for ordering information).

In Melbourne, a general discussion took place on the procedures employed in the conduct of the IISL Colloquia. It was observed that the separation of the general discussion of papers from the sessions in which they are presented has resulted several times in the loss of the author to discuss or respond to comments on a paper, because the author was obliged to leave the Colloquium before the general discussion session on Friday. Several members expressed views on this matter. It was also suggested that the number of papers to be accepted for each colloquium session should be limited in some practical way, and that some selectivity might be necessary in the future because of the expanding size of the Institute. On the other hand, it was pointed out that the Institute has proven to be an accessible forum for young commentators and it would be unfortunate to raise the threshold of access in

any way that would discourage submission of papers by young enthusiasts wishing to comment on developments in space law. On the scheduling issue, there are many pro's and con's to the alternative approaches, and this matter will be reviewed and discussed by the Board. Also, the general acceptance of papers is not universal, and papers have been selected out when deemed inappropriate or unqualified. It is not necessary to establish new criteria for paper selection at this time, but this is a matter that should be kept under review.

8th Manfred Lachs Space Law Moot Court Competition

The 8th Manfred Lachs Space law Moot court competition will be held during the Amsterdam colloquium. The case is entitled the "Mor-Toaler Sea-Launch project". All members of the IISL are encouraged to promote participation in the competition this year by law schools known to them. The venue of the final competition will be the ICJ Chambers at the Peace Palace in The Hague. Copies of the 1999 case, written by Prof. Kerrest de Rozavel and Prof. Lyall, may be obtained from the Secretariat. AUSMIISL and ECSL will again organize preliminary competitions in the US and Europe in the Spring of 1999. There are plans for expansion of the competition and the development of new rules is in process for an additional competition in the Pacific Region. Some law faculties in Australia have requested information about the formation of a regional Pacific competition and expressed an interest in possible participation and/or hosting of the regional competition.

THE 43d IISL COLLOQUIUM RIO DE JANEIRO, BRAZIL, 2000

Members are invited to suggest topics for the 43rd Colloquium. The Board has to decide on these topics at its Spring Meeting and suggestions should be made before the end of March 1999.

COPUOS MEETINGS

The dates of the 1999 sessions of the COPUOS are as follows:

- Scientific/Technical Sub'ee & Working Group on Space Debris: 22-26 February 1999
 - Legal SubCommittee: 1-5 March 1999
 - COPUOS Plenary Session: 14-16 July 1999
- 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 February.

UNISPACE III,

The IISL will organize a workshop on space law during the third Unispace conference in Vienna (July 19 - 30, 1999), from 20-25 July 1999. An outline of the proposed programme is attached. IISL Members are welcome to attend and may obtain an invitation from the President's office in Vienna.

Please note that general information on UNISPACE III can be found on the web site: <http://www.un.or.at/OOSA/index.html>.

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 1999. The Board reserves the right to decide what information will be published.

In this respect, Dr. Monserrat, Filho has reported the following about his activities this year in **Brazil** in the field of space law:

- his book "Introduction to Space Law", was published by the Brazilian Society of Aerospace Law to introduce the matter to a wide audience in Brazil.

- he was elected vice-president of the Brazilian Society of Aerospace Law

he gave a special course on space law at the 50th Annual Meeting of the Brazilian Society for the Advancement of Science, and presented a paper on "Occupation and use of the Moon as a political and legal question" at that meeting.

And Dr. Gaggero from Uruguay announces the *International Competition of Legal Monographs* on legal aspects of the practical applications of space technology included in the UNISPACE III Agenda, to be held in July 1999. Graduates from institutes of higher education, supported by the public or private organization to which they belong, should send their submission before 31 March 1999. For more information and the specific requirements, please contact:

Secretaría Pro-Tempore III CEA

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903.03.93, e-mail : iiicea@mrree.gub.uy
<http://www.mrree.gub.uy/iiicea/iiicea.htm>

HOW TO ORDER PROCEEDINGS

Issues from 1993 are available from AIAA/TASCO, 9 Jay Gould Court, P.O.Box 753, Waldorf, Maryland 20604, USA, fax 301-843-0159.

The prices are (in \$US):

93-96: List price 84.95, Member price 64.95
97: List price 94.95, Member price 74.95
98: List price 99.95, Member price 79.95

(years refer to colloquia, i.e. 98 is Melbourne)

All orders from TASCO must be prepaid.

STILL AVAILABLE:

**Unique Reprints of the Proceedings of the
very first IISL Colloquia
(1958-1960)**

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REMINDER:

Check <http://www.iafastro.com> for the latest updates on the Amsterdam Colloquium!!

For general information on

UNISPACE III

check the web site:

<http://www.un.or.at/OOSA/index.html>