

INTERNATIONAL INSTITUTE OF SPACE LAW
OF THE INTERNATIONAL ASTRONAUTICAL FEDERATION

INSTITUT INTERNATIONAL DE DROIT SPATIAL
DE LA FEDERATION ASTRONAUTIQUE INTERNATIONALE

3-5, RUE MARIO NIKIS
75015 PARIS - FRANCE
e-mail jtmasson@cyberway.com.sg

Tél. 33-1-45.67.42.60
Telefax 33-1-42.73.21.20
Website: <http://www.IAFASTRO.COM>



NEWSLETTER No. 58 - JUNE 2000

INTRODUCTION

The Board of Directors met on March 26th, 2000 in Paris. The deliberations and decisions of the Spring Meeting are reflected in this Newsletter.

THE 43RD IISL COLLOQUIUM, 2-6 OCT. 2000, RIO DE JANEIRO, BRAZIL

Sessions: a total of 54 abstracts has been accepted for the following sessions:

Session 1: Law and Ethics of Space Activities in the New Millennium (What is the role of law in bringing the benefits of space to humanity, including consideration of the needs and interests of developing countries?)

Chairmen: J. Monserrat Filho (Brazil) and S. M. Williams (Argentina), Rapporteur: C.H. Rebellon-Betancourt (Colombia).

Session 2: State Responsibility and Liability for Non-State Space Activities

(What is the responsibility and liability of states with regard to activities in space by non-state entities, such as private corporations, consortia, international non-governmental organizations or other non-state entities?)

Chairmen: M.Orrico Alarcon (Mexico) and E. Back-Impallomeni (Italy), Rapporteur: S. Ospina (Colombia/USA).

Session 3: The Interrelation between Public International Law and Private International Law in the Regulation of Space Activities (Papers should focus on the interaction between private law aspects of space activities with regard to

insurance, financing and related issues, and international space law; furthermore, papers may deal with private property rights in space)

Chairmen: K.-H. Böckstiegel (Germany) and R.M. Ramirez de Arellano (Mexico), Rapporteur: V. Leister (Brazil).

Session 4: Other Legal Matters

including Recent Developments in the Regulation of Space Debris, the Exploitation of Non-Terrestrial Resources, and the Implications of Proposed Missile Defence Systems.

Chairmen: J. Clayton-Townsend (USA) and A. Cocca (Argentina), Rapporteur: M.H. Fonseca de Souza Rolim (Brazil).

Plenary Session:

In addition to the four IISL Sessions, the Board is proud to announce that the IISL will for the first time organize one of the Plenary Sessions of the IAF Congress, on the topic "Making Space Profitable: Roles of Law and Policy". The Board is finalizing the programme and will invite excellent panellists to speak on catching topics, to attract all scientists and engineers, who are more and more interested to learn about the legal aspects of their ventures.

Schedule of sessions and meetings:

- Moot court semi-final on Monday at 1 p.m.,
- Board of Directors on Monday at 3 p.m.,
- Session 1 on Tuesday morning,
- Session 2 on Tuesday afternoon,
- Session 3 on Wednesday morning,
- Moot court final on Thursday afternoon,
- Session 4 and GA on Friday morning
- Plenary session on Friday noon.

Practical information:

All authors have been informed by the IAF whether their paper was accepted. Please follow the instructions closely, and PLEASE DO NOT FORGET TO SIGN THE PROPER COPYRIGHT FORM!!! The Secretary will ask authors to indicate their intention to come to Rio.

Authors no longer need to submit computer disks (even though this was still written in this year's authors instructions), because it is not feasible to handle them. On the other hand, authors are strongly urged to use the proper format requested by the AIAA. Papers which are not formatted according to the instructions will not be printed in the Proceedings. The AIAA (Betty Guillie) can be reached at 1801 Alexander Bell Drive, suite 500, Reston, VA 20191, USA, Tel 1-703 2647573, Fax 1-703 2647551, e-mail bettyg@aiaa.org, <http://www.aiaa.org>,

- Authors should bring ± 75 copies of their papers for distribution at the Colloquium. DO NOT leave these papers at the AIAA preprint room but bring them directly to the IISL Session!

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

- The Board intends to organize a separate discussion session on Friday 6 October. For this purpose, two of the other sessions will be combined into one session.

- A paper must be presented at the Colloquium to be considered for publication, either by the author himself, or, in summary, by another person, for instance the Chairman. (acceptance of a paper for the Colloquium does not imply publication).

An author whose paper is published in the Proceedings, as well as all IISL Members, may buy the Proceedings at a reduced price.

9th MANFRED LACHS SPACE LAW MOOT COURT COMPETITION

This year, a new preliminary round for the Australasian region was held in Sydney. Five universities participated in a successful meeting, organized by Ricky Lee. In addition, preliminaries were held in Europe (3 participants) and the USA (15 participants). The Semi Final will be held on Monday 2 October and will be closed to all public. The Final will be held on Thursday, 5 October and will be judged by three judges of the ICJ. The "case concerning a nuclear powered satellite", *Homeria v. San Marcos*, was written by Leslie Tennen; copies are available at the Secretariat.

The Law Offices of Sterns and Tennen will again provide an award and money prize for the Best Oralist, and the Journal of Space Law will

again sponsor the Best Brief with a one-year subscription to the Journal. In addition, a new award will be introduced, the "Eilene M. Galloway Award for Best Brief", consisting of a certificate and a sum of money, sponsored by Marcia Smith and Prof. Diederiks-Verschoor.

DUES

An invoice for membership dues for 2000 or previous years is enclosed with this newsletter where applicable. As for the payment of dues by credit card, the results of our research so far have not been positive. One last option is being explored, and if that does not work, the Board will have to drop this item from its agenda.

CERTIFICATES

In Rio de Janeiro, the Board will give a Distinguished Service Award to Dr. Skip Smith for his continuing work in making the Manfred Lachs Space Law Moot Court Competition ever more successful since it was first held in the USA in 1992.

ELECTIONS

The terms of office of the following Directors expire in 2000:

- Prof Böckstiegel (Germany),
- Dr Doyle (USA),
- Dr. He Qizhi (China),
- Dr Kopal (Czech Rep., *Vice-President*),
- Prof Kosuge (Japan)
- Ms Masson-Zwaan (Netherlands, *Secretary*),
- Dr Matte (Canada, *Vice-President*),
- Prof Monserrat (Brazil) and
- Dr Terekhov (Russia/UN).

In addition, Dr. Lafferranderie expressed the desire to step down as Treasurer, in view of his health and the limited administrative resources at his disposal. In the past few years, the Secretary has done a lot of work on the financial reports but it is not desirable that the functions of treasurer and secretary are performed by one person. Furthermore, the resources of the Institute have grown considerably, and someone capable is needed who can manage our funds adequately. For the time being, the Board appointed Dr. M. Bourély as Acting Treasurer, and the Secretary will continue to assist him.

Dr. Doyle does not wish to stand for re-election, although he will continue to write the reports for the UN Highlights.

The Nomination Committee will again be presided by Prof. J. Galloway. Its other members are Dr. E. Fasan and Prof. E. Back Impallomeni. The mandate of the Committee is 1) to propose nominations for the vacancies on the Board and 2) to propose nominations for the offices of two Vice-Presidents, a Treasurer and a Secretary.

NEW MEMBERS

The following individual members were elected in March 2000:

Mr. John M. Clerici
McKenna & Cuneo, LLP
1900 K Street, N.W.
Washington, DC 20007, USA
T 1-202 496 7574
F 1-202 496 7756
E john_clerici@mckennacuneo.com
Dr. William A. Gaubatz
Universal Space Lines, Inc.
1501 Quail Street, Suite 103
Newport Beach, California 92660, USA
T 1-949 476 3380
F 1-949 8519485
E gaubatz@spacelines.com

Dr. Marialetizia Longo
Via Firenze 41
89044 Locri (RC), ITALY
T 39-0964 22669
E lela@postaweb.com

Ms. Susanne U. Reif
Institute of Air and Space Law
c/o DLR, Linder Höhe
51147 Cologne, GERMANY
T 49-2203 601-2647
F 49-2203 695910
E susanne.reif@uni.koeln.de

Dr. Ida Bagus Rahmadi (Doddy) Supancana
Supancana, Suastama & Partners
Wisma Argo Manunggal, 12th fl. suite 1202
Jl. Gatot Subroto Kav. 22
Jakarta 12930, INDONESIA
T 62-21 2523310
F 62-21 2520102
E dodi@insprint.net.id

UNCOPUOS

- IISL members were appointed as official IAF observers to the 2000 Meetings of COPUOS:
 - Legal Sub-Committee (27 March - 7 April 2000)
 - Plenary Session (7-16 June 2000)
- A workshop for delegates was held on 27 March 2000 on the topic: Legal Aspects of Commercialization of Space Activities. Coordinator was Dr. Fasan, Rapporteur P.

McDougall (UN). The speakers were S. Doyle, P. v. Fenema, R. Jakhu, G. Catalano Sgrosso, and closing remarks were made by the Chairman of the Legal Subcommittee, V. Kopal.

- IISL was invited by the UN to present a report on its activities to the COPUOS.
- The IISL has again submitted a report for the UN Highlights in Space Report.

44th IISL COLLOQUIUM, 1-5 OCT. 2001, TOULOUSE, FRANCE

Theme of the colloquium:

"Emerging Legal Issues in Space Activities"

Sessions and Chairmen:

Note: chairmen & rapporteurs to be confirmed!

- Session 1: Emerging issues of interpretation and application of space treaties (including definitional issues of state responsibility, launching states, space objects and related legal issues)

Chairmen: Dr. Gabriel Lafferranderie, ESA; Ms. Patricia Sterns, USA; Rapporteur: Ms. Martha Mejia-Kaiser, Mexico

- Session 2: Emerging legal issues in satellite telecommunications (with special attention to the national regulation of licensing of mobile satellite systems)

Chairmen: Prof. Lucien Rapp, France; Prof. Alexis Goh, Australia; Rapporteur: Mr. Ricky Lee, Australia

- Session 3: Legal issues arising from the commercial availability of high quality remote sensing imagery (topics will include the extent to which such imagery can be admitted as evidence in civil and criminal cases; what legal requirements must be established to guarantee that such digital data used in legal proceedings are unaltered; the extent to which such data can be used to mediate international disputes; and what personal and corporate rights of privacy exist with regard to the acquisition and dissemination of such data)

Chairmen: Prof. Armel Kerrest de Rozavel, France; Ms. Sylvia Ospina, Colombia; Rapporteur: Mr. Stephan LeGoueff, Luxemburg

- Session 4: Other Legal Matters, Including: the teaching of space law at the dawn of the new millennium; space debris; conflicts relating to space activities; legal aspects of human habitations in outer space; emerging legal issues in the field of navigation by satellite.

Chairmen: Mme. Simone Courteix, France; Prof. Toshio Kosuge, Japan; Rapporteur: Mr. Leslie Tennen, USA

Moot Court & IISL Dinner: a draft problem has been prepared by Frans von der Dunk (Netherlands). Contact has been established with local authorities to organize the logistics of the competition as well as the IISL Dinner, and universities will be contacted in the summer for participation in the regional preliminary competitions.

ACTIVITIES/ PUBLICATIONS

- Proceedings Colloquia: the Amsterdam volume is in the process of being printed.
- Standing Committee on the Status of International Agreements Relating to Activities in Outer Space, the report will as usual be available at the Colloquium
- UN Contract for Highlights in Space Report: the IISL has again prepared a report on legal developments under contract with the UN.
- Special event Asia, 2001: a two-day workshop will be held in Singapore on 11-13 March 2001. All members will receive more information when available.
 - Website: Members are invited to visit the site and send any suggestions or comments to the Secretary, who will liaise with the webmaster
 - History: Dr Doyle is working on the IISL history from 1982-present. The aim is to have the book available at the Rio colloquium.

INPUT FOR NEWSLETTERS

The Board invites Members to submit relevant information to the Secretary for inclusion in future issues of the Newsletter. In order to be included in the next Newsletter, which will be issued after the Rio Colloquium, such information must be received by the Secretary before 15 November 2000. The Board reserves the right to decide what information will be published.

1. Honorary Director Prof. S. Gorove (USA) submitted the following announcement:

International space law trailblazer, Dr. Stephen Gorove, has been honored at The University of Mississippi School of Law. The longtime Ole Miss law professor, who became known world-wide during the last four decades for his scholarly contributions to space law, was paid tribute with the founding of the "Stephen Gorove International Law and Policy Society," which replaced the L. Q. C. Lamar Society of International Law in recognition of Gorove's long and very distinguished career as a member of the faculty. "For many years, Dr. Gorove was international law at the University of Mississippi, and he became known around the world for his scholarship," said Professor Larry Bush, acting Associate Dean. "We are grateful for the honor and distinction his work has brought to this institution." Professor Bush related that Stephen Gorove - a "summa cum laude" recipient of the J.D. degree from the University of Budapest and a holder of fellowships from Harvard, Oxford and Yale - received his J.S.D. and Ph.D. degrees from Yale. He served as Research Associate at Yale, Columbia and Georgetown Universities and as Law Editor of the Grolier Corporation, publishers of the Encyclopedia Americana and the Encyclopedia International. Prior to joining the Law Faculty of the University of Mississippi in 1965 as Chairman of the Graduate Law Program and Professor of Law, Dr. Gorove taught as Professor of Law in Colorado, Ohio and New York. Currently an Emeritus Professor of Law at Ole Miss, he serves as Chairman of the Editorial Board of the JOURNAL OF SPACE LAW and director of space law and policy studies, compiling and editing his 5-volume book on "United States Space Law: National and International Regulation" published by Oceana. As a long-time member of the International Academy of Astronautics, and an Honorary Director (Vice-President) of the International Institute of Space Law, he still serves as chairman of the Space Law committees of the American Society of International Law and the International Law Association (American Branch). A frequent lecturer before many leading academic institutions, including Cambridge, Chicago, Columbia, McGill, Princeton and Virginia universities, the Institut des Hautes Etudes Internationales and The Hague Academy of International Law as well as many other notable institutions of higher learning around the world, Dr. Gorove is a recipient of many distinguished testimonials and author of, or contributor to, twenty books and over 200 publications.

In acknowledgment of his being a recognized world authority in the field of space law, Dr. Gorove was requested last year and again this year to utilize his unique teaching abilities and offer his Space Law course, which had lapsed for seven years after his retirement.

2. Prof. Böckstiegel (Germany) announced that two Workshops are about to take place within the research project "Legal Framework for the Commercial Use of Outer Space" (Project 2001) on 8/9 June 2000 in Berlin, Germany. The two Workshops are held simultaneously on legal issues regarding commercial "Telecommunications" and "Utilization of the International Space Station". IISL Members who are interested to receive either of the Workshop documentations (Proceedings) may contact Mrs. Susanne Reif at Phone: ++49-2203-601-2647; Fax: ++ 49 2203-695910 or email: 2001-com-use-ous@uni-koeln.de

3. The Third International Conference on "Space Protection of the Earth (SPE) - 2000" will be held from 11-15 September 2000 in Crimeo, Ukraine. Political aspects, legislation and international cooperation are among the topics addressed. For information, visit www.snezhinsk.ru/spe2000/

HOW TO ORDER PROCEEDINGS

IISL members are entitled to purchase copies of the Proceedings at a discount.

Volumes 1 to 3 are available from the IISL Secretariat for a special price of US\$30 per set. Other back issues are available from William S. Hein & Co., 1285 Main Street, Buffalo NY 14209, tel 1-800 828 7571 or 716-882 2600, fax 716 883 8100.

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

99: List price 99.95, Member price 79.95

(Years refer to colloquia, '98 is Melbourne.) All orders from TASCO must be prepaid.

NOTE

The 2nd Announcement of the **51st IAF Congress**, Rio de Janeiro has been mailed to all IISL members. Additional information may be obtained from:

Gauche Promotions and Events Ltd.
tel +55 21 262 1236 / fax +55 21 262 4841

e-mail gauche@ax.apc.org

IAF website: www.iafastro.com