

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 tanja.masson@cyberway.com.sg

Tél. 33-1-45.67.42.60
Telefax 33-1-42.73.21.20
Website: <http://www.iafastro.com>



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

The 43rd Colloquium on the Law of Outer Space was held in Rio de Janeiro, Brazil, 2-6 Oct. 2000. The President remembered several members or members' spouses who passed away: Prof Andrej Gorbiel (Poland), Dr Hassan Safavi (Iran), Mr Kees Diederiks (Netherlands), Mrs Margaret Gorove(USA) and Mrs Jenny Christol (USA).

Mr. Jasentuliyana expressed many thanks to IISL Director Prof. José Monserrat, Filho for his work in making the Colloquium in Rio such a success.

Of 55 accepted papers, 37 authors were present, and 8 papers were presented by others in absence of the authors. Sessions 2 and 4 were combined, session 1 and 3 remained as scheduled.

The following sessions were held:

- 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?) Chairman: E. Back-Impallomeni (Italy); Rapporteur S. Ospina (Colombia)

- 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. Bockstiegel (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, the Implications of Proposed Missile Defence Systems, and "Cyberterrorism". Chairmen: L. Tennen (USA) and S. Ospina (Colombia); Rapporteur M.H. Fonseca de Souza Rolim (Brazil).

The IISL also organized its first ever **Plenary Event**, on Friday 6 October on "Making Space Profitable, Roles of Law and Policy". Speakers were E. Frankle (General Counsel of NASA), M. Ferrazzani (Legal Administrator at ESA), M. Chandrasekhar (Vice President & COO of Worldspace), Chris Tott (Chairman & CEO of Mansat; paper presented by J. Keravala), J. Logsdon (Director, Space Policy Institute), and John Copple (CEO of Spaceimaging, represented by Dr. R.S. Rao, Director International Affairs). N. Jasentuliyana chaired the session.

A report of the Colloquium will appear in the next issue of the Journal of Space Law.

**9th MANFRED LACHS SPACE LAW
MOOT COURT COMPETITION 2000**

Since this year a new regional round was held for the Australasian region, we had to organize semi-finals and finals, instead of only a final between the winners of the US and European rounds.

The **semi finals** of the 9th Manfred Lachs Space Law Moot Court Competition (Homeria v. San Marcos) were held in Rio on Tuesday 3 October 2000 between Hamline University (USA) (Bryant Tchida and Allen Blair) as Applicant and the National University of Singapore (Valerie Phua and Tan Kok Peng) as Respondent. The semis were judged by Professors F. Lyall, P. Larsen and T. Kosuge. Hamline University (USA) was the winner and moved on to the Finals.

The **finals** were held on Thursday 5 October at the First Court of Justice of Rio, between Hamline University (USA) as Applicant and the University of Paris XI (France) (Odile Giraud, Oliver Huth & Marie Diop) as Respondent. President Guillaume, Judge Rezek and Judge Vereshchetin of the International Court of Justice judged the finals, which were won by the **University of Paris XI**. The Law Offices of Sterns and Tennen provided the award for the **Best Oralist**, won by **Allen Blair** of the USA, and the new "Eilene M. Galloway Award for Best Brief", consisting of a certificate and a sum of money, sponsored by Ms. Marcia Smith and Prof. Diederiks-Verschoor was won by the Applicant brief of the **University of Paris XI**. Prof Gorove had sent specially dedicated copies of the Journal of Space Law which were presented to the 3 Judges. A **reception and dinner** were hosted by the Local Organizing Committee at the beautiful Palacio da Cidade. Around 130 guests attended, and Dr. Antonio Guerreiro, head of the Division of Special Themes at the Brazilian Ministry of External Relations gave a dinner speech.

The Institute is most grateful to all those who helped making the Moot Court a success: especially the Local Organizing Committee, the Brazilian Society for Aerospace law and Prof Monserrat Filho. IISL is also very fortunate with the continued support of the Members of the International Court of Justice in judging the Finals of the Competition.

CERTIFICATE

A Distinguished Service Award was presented to Dr. Skip Smith for his work on the moot court. Dr William Wirin accepted the award on his behalf during the Closing Banquet.

ELECTIONS

In 2000, the terms of office of the following 9 directors expired: Prof Bockstiegel (Germany),

Dr Doyle (USA), Dr. He Qizhi (China), Dr Kopal (Czech Rep., Vice Pres.), Prof Kosuge (Japan), Mrs Masson-Zwaan (Netherlands/Switzerland; Secretary), Dr Matte (Canada, Vice Pres.), Prof Monserrat (Brazil), Dr Terekhov (Russia/UN).

Dr Doyle was not available for re-election; Furthermore, Treasurer G. Lafferranderie had withdrawn and was replaced ad interim by Honorary Director M. Bourély.

The Nomination Committee consisting of Prof. Jonathan Galloway (chairman), Prof. E. Back Impallomeni and Dr. E. Fasan recommended that all Directors be re-elected, and that Dr. Sylvia Ospina (Colombia) be elected as a Director to replace Dr. Doyle and that Dr. Frans von der Dunk (Netherlands) be elected to replace Dr Lafferranderie as Director and Treasurer. Furthermore, the Committee recommended that Dr Doyle and Dr Lafferranderie be elected as Honorary Directors.

The General Assembly adopted the Committee's recommendation by consensus.

A nomination committee for 2001 was appointed as follows: Prof. J. Galloway (chairman), Prof. J. Monserrat, and Dr E. Fasan. In 2001 the term of office of Prof. F. Lyall will expire.

NEW MEMBERS

• INSTITUTIONAL MEMBERS:

Chinese Institute of Space Law
Prof. Qi Yong Liang
P.O.Box 849
Beijing 100830, CHINA
T 86-10 6876 7119
F 86-10 6837 0849

Bufete Capin Capdevielle y Asociados, S.C.
Mr. Luis Capin Martinez
Virreyes no. 145, Col. Lomas de Chapultepec
CP 11000 Mexico City, MEXICO
T 52 5-540 6048
F 52 5-520 8360
capi@netmex.com

Space Imaging
Dr. R.S. Rao, Director
F 303-254-2217
e-mail: rsrao@spaceimaging.com

Capin Calderon, Ramirez y Gutierrez Azpe, S.C.
L. Capin Lopez, J.L. Gutierrez Azpe
Galileo no. 55, 1er piso, Col. Polanco
CP 11560, Mexico City, MEXICO
T 52 5- 280 9193
F 52 5- 281 0851
jgutierrez@ccrga.com / lcapin@ccrga.com

Worldspace

Dr. M.G. Chandrasekhar, Vice President and COO
9th fl., Shankaranarayana Towers 25/2, M. G. Road
Bangalore - 560 001, INDIA
T 91 80 509 5458
F 91 80 559 5182/ 202-969-6002.
e-mail: mchandra@worldspace.com

Gurria y Ramirez de Arellano
Mrs Rosa Ma. Ramirez de Arellano
Aniceto Ortega 1353, Col. del Valle
CP 03100 Mexico City, MEXICO
52 5-524 5211
52 5-534 5832
rramirez@fc.camoapa.com.mx

• INDIVIDUAL MEMBERS:

Mr. Richard L. Anglin
Anglin & Giaccherini
P.O. Box 2229
Del Mar, California 92014-1529, USA
T 1 - 858 259 2080
F 1 - 858 259 4779
rlanglin@tcg-delmar.com

Ms. Diane Bastin
Senior Counselor, Commercial Restructuring
Intelsat
3400 International Drive, NW
Washington DC 20008, USA
T 1-202 944 7281
F 1-202 944 7150
diane.bastin@intelsat.int

Prof. Nipant Chitasombat
Director, Space Law and Policy Centre
Faculty of Law, Chulalongkorn University
Phyathai Road
Bangkok 10330, THAILAND
T 66-2 218 2017/2023
F 66-2 218 2018
nipant@hotmail.com

Mr. Howard M. Cohen
Partner
Warshaw Burstein Cohen
16 Sutton Place # 16a
New York NY 10022-3051, USA
T 1-212 752 4723
F 1-212 984 7893
hmcx@aol.com

Ms. Yara Arvide Dosal
Gurria y Ramirez de Arellano, S.C.
Taxquena 1303, Campestre Churubusco
CP 04200 Mexico City, MEXICO
T 5 25-524 5211
F 5 25-534 5832
yarvide@fc.camoapa.com.mx

Mr. Jonathan M. Epstein
Holland & Knight, LLP
2100 Pennsylvania Avenue, NW, suite 494?
Washington DC 20037, USA
T 1-202 828 1879

jepstein@nklaw.com

Mr. Edward A. Frankle
General Counsel
NASA
300 E Street SW
Washington DC 20546, USA
T 1-202 358 2450
F 1-202 358 2471
edward.frankle@hq.nasa.gov

Mr. Peter Hulsroj
Head of Contracts & Legal Affairs
EUMETSAT
P.O. Box 10 05 55
D-64205 Darmstadt, GERMANY
T 49-6151 807813
F 49-6151 807829
hulsroj@eumetsat.de

Mr. Sami Kallel
2, Rue de Marseille
Tunis 1000, TUNISIA
T 216-1 331264
F 216-1 797070

Mr. James Keravala
Launch Services Manager
Surrey Satellite Technology Ltd
138 Banstead Road, Carshalton Beeches
Surrey SM5 4DW, UNITED KINGDOM
T 44-7774 648278
jim@newscientist.net

Mr. Leo B. Malagar
1424-H Labores extension
Pandakan, Manila, PHILIPPINES
T 63-2 562 7288
lmalagar@yahoo.com
until further notice:
James Lighthill House (UCL), A535
3 Penton Rise
London WC1X 9EN, UK

Ms. Jennifer A. Manner
Director, International Alliances and Strategy
MCI Worldcom Inc.
1801 Pennsylvania Ave, NW
Washington DC 20006, USA
T 1-202-887-2507
F 1-202-887-2660
jennifer.manner@wcom.com

Prof. Qi Yong Liang
Executive Director
Chinese Institute of Space Law
P.O. Box 849 Beijing 100830, CHINA
T 86-10 6876 7119
F 86-10 6837 0849

Mr. Otto Gudino Ramirez de Arellano
Aniceta Ortega 823, Apt. 501, Col. del Valle
CP 03100 Mexico City, MEXICO
T 5 25-524 5211
F 5 25-534 5832

otto@fc.camoapa.com.mx

Prof. Lucien Rapp
Université des Sciences Sociales
Place Anatole France
31042 Toulouse Cedex, FRANCE
T 33-5 6112 8741
F 33-5 6112 8732
lucien.rapp@univ-tlse1.fr

Ms. Esta Rosenberg
FAA Office of Chief Counsel Attorney-Advisor
US Dept. of Transportation
400, 7th Street, SW, room 10424
Washington DC 20590, USA
T 1-202 366 9320
F 1-202 366 9313
esta.rosenberg@ost.dot.gov

UNCOPUOS

IISL members may request to be appointed as official IAF observers for the Legal Sub-Committee (2-12 April 2001) and/or the Plenary Session (6-15 June 2001). Please contact the Secretary before the end of January.

The IISL will organize a workshop for COPUOS delegates on 2 April (afternoon) on the topic "Dispute Resolution Mechanisms". Dr. Fasan is the coordinator.

SPACE LAW CONFERENCE 2001 SINGAPORE, 11-13 MARCH 2001

All members have received the First Announcement of the Conference on Legal Challenges & Commercial Opportunities for Asia, co-organized with the Society of International Law, Singapore. (SILS) The Co-chairmen of the conference are Prof. Tommy Koh (Singapore), Amb. Peter Jankowitsch (Austria) and Dr. N. Jasentuliyana. The Final Programme will be mailed in January. For more information on the conference visit www.sils.org/spacelaw/

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

General theme of the colloquium:
Emerging legal issues in space activities

Sessions and Chairmen:

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 for the national regulation of mobile satellite systems, including national licensing requirements, WTO agreements, ITU and GMPCS, private national entities operating on a global level, ownership of telecom service providers, principle of global (universal) telecom service, radio frequency management, need for an international independent telecom regulator, etc.

Chairmen: Prof. Lucien Rapp, Toulouse; Prof. Alexis Goh, Australia. Rapporteur: TBD

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: Dr Olivier Ribbelink, Netherlands

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, and emerging legal issues in the field of navigation by satellite

Chairmen: Dr. M. Bourély, France, Prof. Toshio Kosuge, Japan. Rapporteur: Mr. Leslie Tennen, USA

Practical Arrangements

- All authors must submit an abstract for approval by the Board, before an IISL paper is accepted.
- The abstract must comply with the instructions provided on page 64 of the **IAF Call for Papers** which was sent to all IISL Members. Each abstract must be accompanied by the **abstract information form** on page 65.

- Abstracts must reach IAF by 23 February. Please send a copy via e-mail to the IISL Secretary. Check <http://www.iafastro.com> for the latest updates on the Toulouse Colloquium.

- The decision on acceptance will be made at the Spring meeting of the Board. Authors will be notified of acceptance of their papers by the IAF.
- The full text of the papers must be typed in two columns, in English, on regular paper and submitted by September 24th, 2001 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. (NOT to be handed to the AIAA Preprint Romm!!!)
- 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).

**DR. I.H.PH. DIEDERIKS-VERSCHOOR
AWARD FOR BEST
COLLOQUIUM PAPER**

The Board is pleased to announce that it has approved Prof. Fernandez Brital's idea for a "Dr. I.H.Ph. Diederiks-Verschoor Award" to the best paper presented at the IISL Colloquium by authors under 40 who submit a paper for the first, second or third time, as a means to promote young lawyers. He will offer the medal to be delivered as prize every year and will coordinate the details. The Regulations will be circulated to all authors of accepted papers for the Toulouse Colloquium.

**10th MANFRED LACHS SPACE LAW
MOOT COURT COMPETITION 2001**

The semi finals and finals of the 10th Manfred Lachs Space Law Moot Court Competition will be held during the 2001 Colloquium in Toulouse. The case (The Case Concerning Access To ESI-1 Data, Soliscalor v. Cornucopia) was written by F. von der Dunk. Preliminary competitions will be held in Europe, the USA and Australasia. A new round for the Americas except the USA is under consideration.

Prof. Rapp in Toulouse and Dr. Runavot of the LOC are helping to coordinate the arrangements. Dr. Bourély has indicated that the French Association for Air and Space Law (SFDAS) and the French society for the development of space law (ADDEF) will co-host an event for the IISL. ESA, ECSL and ISU will also be invited to make a special contribution. The competition should take place at the Hôtel-Dieu St Jacques, and Reception and Dinner at the prestigious Capitole.

**WORLD SPACE CONGRESS (WSC)
10-20 OCT. 2002, HOUSTON, USA**

IISL members, especially those in the US, are invited to assist with preparations for the IISL Colloquium to be held during the World Space Congress, including the organization of the moot court and the IISL Dinner. Please contact the Secretary if you wish to help.

ACTIVITIES/ PUBLICATIONS

• Proceedings Colloquia:

The Amsterdam volume has been published.

• Standing Committee on the Status of International Agreements Relating to Activities in Outer Space,

Dr. Terekhov's report will as usual be printed in the Proceedings.

• UNContract for Highlights in Space Report:
The IISL has again prepared a report on legal developments under contract with the UN.

• Website:

Members are invited to visit the site and send any suggestions or comments to the Secretary, who will liaise with the webmaster

• History Booklet:

Dr Doyle is working on the IISL history from 1982-present. The book will be available at the Toulouse colloquium.

• 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.**

**TASK FORCE ON THE IMPLEMENTATION
OF A NEW STRATEGY FOR IISL**

Further to a proposal by Dr. Schrogl for IISL to take a more active role in formulating proposals and issuing position papers, in the spirit of UNISPACE proposals requesting NGOs to take an active part in the work of the U.N., the Board set up a task force consisting of Dr. Perek, Prof. Monserrat and Dr. Schrogl, which will give a report at the next Board meeting. Members of the Institute who are interested in participating in the deliberations are invited to contact Dr. Schrogl (kai-uwe.schrogl@dlr.de).

NEW UNIDROIT CONVENTION

Several members of the Institute participated in the Rome meetings of Unidroit last October to discuss a Space Protocol to the proposed Convention on International Interests in Mobile Equipment. The Space Protocol is being propelled by the Aviation Protocol and is strongly supported by the space industry. Members interested may contact Prof. Paul Larsen at Pblspace@aol.com

DUES

An invoice for membership dues for 2001 (unless already paid in advance) and, where applicable, previous years is enclosed with this newsletter. Please note that the exchange rate for payment in French Francs has been adapted to the current status (no change had been made since 1994). Now, the dues amount of US\$40 corresponds to FF 300 in stead of FF 250.

Fourteen members who were 3 or more years in arrears as of December 31, 1999 were dropped

from the membership role and listed as former members.

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 Spring Board Meeting, such information must be received by the Secretary before 15 March 2001. The Board reserves the right to decide what information will be published.

Prof. Gorove submitted the following message:

THE NATIONAL REMOTE SENSING AND SPACE LAW CENTER OF EXCELLENCE AT THE UNIVERSITY OF MISSISSIPPI SCHOOL OF LAW is seeking a Director. The goal of the Center is to serve as an internationally recognized research, advisory, and training resource for the commercial geospatial industry, the international legal community, and related user groups. The Center will undertake a research, review, and determination of laws and regulations, domestic and international, that govern the collection, dissemination, and use of geospatial information. The Center will also hold conferences and workshops on remote sensing and space law. In addition to the duties in connection with the Center, the Director will have responsibility for teaching related courses at the Law School. Candidates must possess a law degree and a strong academic background. The University of Mississippi is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA employer. Contact: David B. Howorth, Interim Director, National Remote Sensing and Space Law Center of Excellence, School of Law, University of Mississippi, University, Mississippi 38677.

Patrick A. Salin published a new book: "Satellite Communications Regulations in the Early 21st Century - Changes for a New Era" (ISBN 90-411-1238-3, Kluwer Law International, The Hague). The book presents an up-to-date and comprehensive description of satellite communications regulations at the international level, in North America and in the European Union. It covers the span of time that elapsed since the end of the Cold War until the absorption of Comsat by Lockheed Martin. For more information, go to:

http://www.tbook.com/law/a/Air_and_Space_Law/Satellite_Communications_Regulations_in_the_Early_21st_Century_Changes_for_a_New_Era_Utrac_90411123_83.htm

Prof. Böckstiegel and Ms Reif reported:

The Institute of Air and Space Law, Cologne University, and the German Aerospace Center (DLR) are organising an International Colloquium on 29-31 May 2001 in Cologne, Germany, during which results of their joint research project on the 'Legal Framework for the Commercial Use of Outer Space', short-named 'Project 2001', shall be presented and discussed. Since

space activities are increasingly carried out by private enterprise, the mentioned research project has been initiated in late 1997 to examine the different levels and areas of the relevant law and to pinpoint those areas where needs of further development can be identified in the light of private and commercial space activities. The research work has been and is still being carried out in meanwhile six Working Groups on Privatisation, Launch and Associated Services, Remote Sensing, Telecommunication, Space Stations, and National Space Legislation, where legal, political and technical experts from all over the world have joined in order to adequately examine and address gaps in specific legal areas or specific areas of space applications. In the course of the activities, five Workshops and several meetings with international participation have been held with the kind support of, among others, ECSL, IISL, SpotImage Toulouse, and the former DASA Bremen. One more Workshop on National Space Legislation shall be held in December 2000 in Munich. During the Colloquium, results and conclusions of the six thematic Working Groups will be presented and discussed in respective panels. The Colloquium will also include reports on the work of other institutions and conclude with a forward-looking panel on international law making and harmonisation of national laws. A draft programme can be obtained from the Cologne Institute of Air and Space Law's www site at <http://www.uni-koeln.de/jur-fak/institluft/proj2001>

For participation in the Colloquium and more information, please contact Susanne U. Reif, at Phone: + 49 (0) 2203 601-2647, Fax: + 49 (0) 2203 695910, or email: 2001-com-use-ous@uni-koeln.de

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, '99 is Amsterdam.) All orders from TASCO must be prepaid.

NOTE

For practical information on the **52nd IAF Congress** in Toulouse please contact:

Colloquium, Ms A. Gigon, tel ++33 1 44641515,
fax ++33 1 44641516,
e-mail: colloquium@colloquium.fr
For information on the programme, visit the IAF
website: www.iafastro.com

NEW E-MAIL ADDRESS IISL SECRETARY:

tanja.masson@pacific.net.sg