

INTERNATIONAL INSTITUTE OF SPACE LAW
OF THE INTERNATIONAL ASTRONAUTICAL FEDERATION

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

The 44th Colloquium was held successfully in Toulouse, despite the tragic September 11th terror attacks in the USA and the explosion of a chemical plant in Toulouse several weeks before the IAF Congress. Several people had decided to cancel their trip amidst the uncertainties, but the great majority of speakers and participants did not change their plans and enjoyed a good colloquium, excellent food and a great jubilee moot court and IISL Dinner. Almost 100 persons attended the sessions and most papers were presented.

In his opening words, Mr. Jasentuliyana remembered **Prof. Stephen Gorove**, one of the Institute's Honorary Directors and a Former Vice-President, who passed away in August. The Institute will dearly miss his excellent contributions to space law since the very beginning, as well as his warm and kind personality. The Secretary had prepared a book of remembrances containing the many messages of long-standing and more recent members of the Institute. The book was offered to Prof. Gorove's children, Katherine, Michael, Stephen and Colleen, who have been active supporters of the IISL and its activities for many years and will hopefully continue to be closely involved!

The following sessions were held:

Session 1: Emerging issues of interpretation and application of space treaties
Chairmen: Dr. Gabriel Lafferranderie, ESA and Dr. Ernst Fasan, Austria; Rapporteur: Dr. Philippe Achilleas, France/ISU

Session 2: Emerging legal issues in satellite telecommunications
Chairmen: Prof. Lucien Rapp, France, and Amb. Jankowitsch, Austria, Rapporteur: Ulrike Bohlmann, Germany

Session 3: Legal issues arising from the commercial availability of high quality remote sensing imagery
Chairman: Prof. Armel Kerrest de Rozavel, France; Rapporteur: Dr Olivier Ribbelink, Netherlands

Session 4: Other Legal Matters
Chairmen: Prof. Toshio Kosuge, Japan and Prof Elisabeth Back Impallomeni, Italy; Rapporteur: Virgiliu Pop, UK.

The IISL also held another successful **Plenary Event**, entitled "A Fresh Look on Spectrum Management". It had been organized by Prof. Lucien Rapp of the University of Toulouse. The purpose of the session, which was attended by about 100 persons, was to review existing procedures in order to identify problems and propose solutions. Speakers were Robert Jones (Director, Radio-Communications Bureau, ITU), Lawrence

Spiwak (President, The Phoenix Center, Washington DC), Prof. Jacques Cremer (IDEI, University Toulouse 1), Noah Samara (WorldSpace; Washington DC, paper presented by Dr. Chandrasekhar), and Prof. Lucien Rapp (SaTeLex, IEID, University Toulouse 1). N. Jasentuliyana chaired the session.

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

DR. I.H.PH. DIEDERIKS-VERSCHOOR AWARD

The first "Dr. I.H.Ph. Diederiks-Verschoor Award" for best paper presented at the IISL Colloquium by an author under 40 submitting a paper for the first, second or third time, was given to **Alvaro Fabricio dos Santos** of the National Institute for Space Research (INPE) in Brazil, for his paper "Brazil and the Registration Convention". The Award Committee consisted of Prof. Peter Haanappel, Prof. Maureen Williams and Prof. Ram Jakhu. Prof. Fernandez-Brital donated the Medal.

10TH MANFRED LACHS SPACE LAW MOOT COURT COMPETITION 2001

The 44th Colloquium hosted the tenth Manfred Lachs Space Law Moot Court Competition, and for this occasion a prestigious new "Manfred Lachs Trophy" was introduced. It was sponsored by two generous members and arranged by Leslie Tennen. The trophy carries the names of the nine previous winning universities. The three winners of the regional rounds held in the Asia-Pacific region, USA and Europe competed again in the international rounds. They were the National University of Singapore (Celina Chua and Gerardine Goh), the University of North Carolina (Charles C. Kyles and J. Patrick Haywood), and the University of Dijon, France (Nicolas Bauch Labesse and Jamel Rbah, with Séverine Ros as Alternate). The teams from France and the USA met in a semi-final round, judged by Prof. Hobe, Prof. Gabrynowicz and Prof. Andem. The American team won that round and moved on to face Singapore in the final round before three judges of the International Court of Justice; President Guillaume and Judges Koroma and Vereshchetin. The National University of Singapore was

victorious and took the trophy home, and the US team won the Eilene M. Galloway Award for Best Brief and the Sterns and Tennen Award for Best Oralist (Chip Kyles).

The case was written by Dr. Frans von der Dunk. The briefs of the three teams had been judged by Prof. Bin Cheng, Dr. Peter van Fenema, Dr. William Wirin, Ms Patricia Sterns, Prof. VS Mani and Prof. Chia-jui Cheng. Many thanks are due to all of them for their help! Thanks are also expressed to Dr. Jean-Jacques Runavot of the Local Organizing Committee, who arranged for two outstanding locations for the Final and the Dinner, namely the historic Hôtel-Dieu St. Jacques (a former monastery) and the elegant "Salle des Illustres" of the Capitole.

The "Mairie de Toulouse", the "Société Française de Droit Aérien et Spatial" (SFDAS), the "Association pour le Développement du Droit de l'Espace en France" (ADDEF), the University of Toulouse 1, the Local Organizing Committee for the IAF Congress, the Association of US Members of the IISL (AUSMIISL), the European Centre for Space Law (ECSL) and NASDA (Japan) sponsored the 2001 Moot Court Competition in various ways and their help and support has been greatly appreciated.

CERTIFICATE

A Distinguished Service Award was presented to IISL Secretary **Tanja Masson-Zwaan**. Dr Olivier Ribbelink accepted the award on her behalf during the Closing Banquet.

ELECTIONS

In 2001, the term of office of Prof. F. Lyall (UK) expired. The Nomination Committee consisting of Prof. Jonathan Galloway (chairman), Prof. J. Monserrat Filho and Dr. E. Fasan recommended that he be re-elected. The General Assembly adopted the Committee's recommendation by consensus.

The nomination committee for 2002 will be the same as in 2001. The terms of office of the following directors will expire: Prof. G. Catalano Sgrosso, Prof. R. Jakhu, Dr. L. Perek, Ms Marcia Smith, Ms P. Sterns, and Dr N. Jasentuliyana (President).

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UNCOPUOS

IISL members may request to be appointed as official IAF observers for the Legal Sub-Committee (2-12 April 2002) and/or the Plenary Session (June 2002). Please contact the Secretary before the end of January.

The IISL will organize a workshop for COPUOS delegates on 2 April 2002 (afternoon) on the topic "Traffic Management Rules for Space Operations". Dr. Fasan is again the coordinator.

45TH IISL COLLOQUIUM, 14-18 OCT. 2002, HOUSTON, TEXAS, USA

The 45th IISL Colloquium will be held from 14-18 Oct. 2002 in Houston, Texas, USA,

during the Second World Space Congress (WSC), 10-19 October 2002. The following sessions will be held:

Session 1: Space Assets: Legal Aspects of Financing and Risk Management

Bearing in mind the relationship between public and private law, papers may address all legal aspects of financing space activities and managing the associated risks, with special attention for the UNIDROIT Protocol on space property, financing mechanisms for space ventures and satellites, insurance, and liability-mitigating issues.

Chairmen: Dr. A. Dula and Ms. F. Schroeder, USA; Rapporteur: Mr Wayne White, USA

Session 2: ISS and the Law

This session will address issues related to the legal procedures for national implementation of the 1998 Intergovernmental Agreement on the International Space Station, partners' obligations related to the facilitation of the movement of persons and goods into or out of national territory, the protection of the exchanged technical data, the granting of intellectual property rights, the responsibility and liability (including "cross waiver of liability") of each partner State, etc.

Chairmen: Dr. A. Farand, ESA and Prof. M.H. Fonseca de Souza Rolim, Brazil; Rapporteur: tbd

Session 3: International Security and Military Uses of Outer Space: Legal Implications

Papers should address issues related to legality or illegality under current international space law of all military uses of outer space, including anti-terrorism, placing of weapons of all types, use or threat of use of force against foreign satellites, threat of increasing space militarization to its peaceful uses, relevant law-making processes for new treaties, etc.

Chairmen: Prof. J. Galloway, USA and Dr. E. Fasan, Austria; Rapporteur: Mr Marco Ferrazzani, ESA

Session 4: Other Legal Matters, including Legal Aspects of Launch Services

Papers could address legal matters related to the definitions of "launching State" and "appropriate State", the export of satellites

for launch, the export of components for satellites and launch vehicle, launches from sea-based and air-based platforms, international agreements governing launch services, space debris,
Chairmen: Dr. A. Terekhov, UN/Russia and Dr. K.U. Schrogl, Germany; Rapporteur: Mr Larry Martinez, USA.

ÿ *Note: any member interested in serving as rapporteur for session 2 should contact the Secretary as soon as possible*

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 **pages 66-68** of the **Call for Papers** which was sent to all IISL Members. Each abstract must be accompanied by an abstract information form.

ÿ **Abstracts must reach IAF by 1 FEBRUARY 2002.**

PLEASE NOTE THAT THIS IS **VERY IMPORTANT**; LAST YEAR WE HAD TO REJECT SEVERAL ABSTRACTS THAT CAME IN LATE. THE NUMBER OF ABSTRACTS SUBMITTED TO IISL SESSIONS HAS INCREASED SO MUCH THAT THE SESSIONS FILL UP FAST!

NO EXCEPTIONS WILL BE MADE.

ÿ *Please always send a copy of your abstract via e-mail to the Secretary.*

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 in accordance with the AIAA's written instructions and deadline which authors will receive from the IAF after their paper has been accepted.

DR. I.H.PH. DIEDIKIS-VERSCHOOR AWARD

Authors will again be invited to apply for this Award. The Regulations have been slightly amended.

11TH MANFRED LACHS SPACE LAW MOOT COURT COMPETITION 2002

The semi finals and finals of the 11th Manfred Lachs Space Law Moot Court Competition will be held during the 2002 Colloquium in Houston. The Case Concerning International Liability (Utopia v. Friendlistan) was written by Ram Jakhu, with John Gantt and William Wirin. Preliminary competitions will be held in Europe, the USA and the Asia Pacific. Three Judges of the International Court of Justice will again be invited to judge the Finals.

MOOT COURT AND IISL DINNER

Patricia Sterns is coordinating the arrangements with the help of various other members in the USA and Ms Daria Robinson of Space Bridges, a Houston based consultant. Both Ms Sterns and Ms Robinson will take part in the Houston Operating Committee (HOC). They are looking for sponsors to cover all costs.

ÿ ***The IISL needs assistance to make its WSC activities as successful as the recent congresses and urges all U.S. members to assist the coordinators particularly by seeking **funding & sponsors** for IISL events in Houston. US Members, please offer your assistance by contacting Patricia Sterns at pms@astrolaw.com or the Secretary at tanja.masson@pacific.net.sg***

46TH IISL COLLOQUIUM, BREMEN, GERMANY, SEPT. 29 - OCT. 3, 2003

The Board will decide on session topics for Bremen at its Spring Meetings.

ÿ *Suggestions are most welcome and should be sent to the Secretary before 15 March 2002.*

ACTIVITIES/ PUBLICATIONS

- Proceedings Colloquia:

The Rio volume has been published by AIAA.

- Proceedings Singapore Conference 2001:

The Proceedings of the first regional space law conference organized by IISL in March

2001 in Singapore have been published as a "special feature" of the Singapore Journal of International and Comparative Law (2001, 5 SJICL). Copies may be ordered via their website at <http://law.nus.edu.sg/sjicl/subscription.htm>

- Second Regional Conference 2003:

China has agreed to host the second regional conference, based on the format of the Singapore meeting, to be held around April 2003. The Board will assist with planning the programme and practical details.

- 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.

- Highlights in Space Report:

The IISL has again prepared a report on legal developments for the UN. Prof. S. Hobe of the Cologne Institute of Air and Space Law has kindly agreed to take over this task from Dr. S. Doyle, whose new responsibilities do not leave him time to continue writing the reports. The Institute is very grateful for the many excellent reports he has produced.

- Website:

The IISL website is currently being expanded and reviewed in order to become more user-friendly. Several IISL members are working on this. The site will also include an integrated site for the moot court including the regional competitions.

- IISL History:

Dr Doyle is not able to finalize the project but the Board will attempt to have the history from 1982-present available at the Houston colloquium.

- New Membership list:

All paid-up IISL members will find the new updated list with this issue of the newsletter.

ÿ *Members are urgently requested to communicate any changes in their contact details to the secretariat.*

TASK FORCE ON THE IMPLEMENTATION OF A NEW STRATEGY FOR IISL

Further to the proposal by Dr. Schroggl 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, at its meeting last March, considered the "Report of the Task Force on the Implementation of a new strategy for IISL" by Drs. Perek, Monserrat and Schroggl). It generally endorsed the report and agreed that the time is right for IISL to take a more active role, and that this should be as a facilitator of ongoing discussions within the LSC, and in the form of "analyses of legal problems" rather than position papers. The Board approved the report with the understanding that the implementation of any actions it may call for will be submitted to the Board beforehand.

Two possible topics for study have been suggested:

1. The Russian proposal for a comprehensive Outer Space Convention
2. The UNIDROIT Draft Convention

Both topics are currently discussed in COPUOS.

ÿ *Any members who are interested in leading or taking part in these or other Groups are invited to contact IISL.*

DUES

An invoice for membership dues for 2002 (unless already paid in advance) and, where applicable, previous years will be mailed separately by the Treasurer. Please note that the payment in French Francs has been replaced by the new Euro currency. The annual dues of US\$40 corresponds to 45 Euros.

Several members who were 3 or more years in arrears as of December 31, 2000 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 2002. The Board reserves the right to decide what information will be published.

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 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,

Tel 301-645 3651; fax 301-843-0159.

E-mail aiaa@tasco1.com

The prices are (in \$US):

93-96: List price 84.95, Member price 64.95

97: List price 94.95, Member price 74.95

98-00: List price 99.95, Member price 79.95

Years refer to colloquia ('00 is Rio.).

All orders from TASCO must be prepaid.

FINAL NOTE

For information on the 53rd International Astronautical Congress/ **WORLD SPACE CONGRESS** in Houston please contact:

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