

INTERNATIONAL INSTITUTE OF SPACE LAW
OF THE INTERNATIONAL ASTRONAUTICAL FEDERATION

INSTITUT INTERNATIONAL DE DROIT SPATIAL
DE LA FEDERATION INTERNATIONALE D' ASTRONAUTIQUE

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NEWSLETTER No. 67 – JANUARY 2005

PRELIMINARY NOTE:

IISL is proud to announce that its Honorary Director, eminent member and long-time friend Mrs. Dr. Eilene Galloway has been elected by AIAA as an Honorary Fellow. Honorary Fellows are "Individuals of eminence in aeronautics or astronautics distinguished by long and highly contributive careers in aerospace arts, sciences, or technologies." Mrs. Galloway and two other Honorary Fellows will be honoured on May 11, 2005 at the Grand Hyatt Hotel in Washington, D.C. at the "Aerospace Spotlight Awards Gala." It will be a grand way to celebrate her 99th birthday, which is on May 4!

47th IISL COLLOQUIUM, 4-8 OCT. 2004, VANCOUVER, CANADA

The 47th IISL Colloquium was held from 4-8 Oct. 2004 in Vancouver, Canada. A record number of 88 papers had been accepted for 5 sessions. 15 papers were withdrawn, and 14 were summarized by others. The colloquium was well attended and discussion was lively. The following sessions were held:

Session 1 - New developments in National Space Legislation

Chairmen: Dr. F. von der Dunk, Prof. Dr. S. Hobe; Rapporteur Dr. P. Salin.

Session 2 - International Law and Practice of Agreements on Cooperation regarding Space Activities

Chairmen: Mr. M. Ferrazzani, and Ms I. Heed; Rapporteur Ms M.Ejova

Session 3 - A General Convention on Space Law?

Chairmen: Prof. Dr. R. Jakhu, and Dr. S. Mosteshar; Rapporteur: Dr. A. Golrounia

Session 4: Legal issues relating to private enterprise, property rights and space applications
Chairmen: Dr. S. Ospina and Prof. S. Marchisio; Rapporteur Mr K. Weidaw

Session 5: Other legal matters; telecommunications, NPS and military implications

Chairmen: Dr K.U. Schrogl, and Dr L. Stojak, Canada; Rapporteur Dr. M. Mejia-Kaiser

Dr. Marco Ferrazzani of the ESA Legal Department organised a **Special Event for IISL Members** on Wednesday afternoon, hosted by ESA and followed by a cocktail reception. A panel was held on "European Space Programmes, an introduction for lawyers", and short talks were held on EGNOS & Galileo, GMES, and the European space exploration programme. The event was much appreciated and well attended, and the Board hopes similar events can be planned in the future!

13TH MANFRED LACHS SPACE LAW MOOT COURT COMPETITION 2004

The 13th Manfred Lachs Space Law Moot Court Competition was held during the Vancouver IISL Colloquium. The *Case Concerning the Commercialisation of a Space Station* was written by André Farand with Ricky Lee and Frans von der Dunk. Preliminaries were held at regional level in Europe, the USA and in the Asia Pacific region. The Finals were judged by three Judges of the International Court of Justice. Dr. Ram Jakhu with precious help of Ms Indra Heed of MDA and Ms Lyne Rainville of the LOC managed

to organise everything perfectly. Thanks must also be expressed to all sponsors: the University of British Columbia (UBC), Kaye Scholer, Farris, Dorsey & Whitney, the Canadian Space Agency, MacDonald Dettwiler, Ramírez de Arellano y Abogados, the Association of US Members of the IISL, NASA, ESA/ECSL and JAXA. The finals were hosted by the Law Faculty of UBC. The Cecil Green Park House of UBC was the location for a perfect dinner attended by some 150 guests.

RESULTS OF THE WORLD FINALS:

- **Winner:** University of Leiden, The Netherlands (Ms. Ioana Cristoiu, Mr. Nathanael Horsley, Mr. Taras Ploshchansky; Coach: Ms Axelle Cartier)

- **Runner up:** Georgetown University Law Center, Washington DC, USA, (Ms. Melissa Beiting and Mr. Matthew Getz; Coach: Prof. Paul Larsen)

- **2nd runner up:** National Law School of India University, Bangalore, India (Mr. Aditya Sudarshan, Mr. Shadan Farasat, Ms. Surabhi Ranganathan), Coach: Mr Mrinal Satish, Lecturer)

- **Eilene M. Galloway Award** for Best Written Brief: University of Leiden

- **Sterns and Tennen Award** for Best Oralist: Melissa Beiting

PARTICIPANTS IN THE REGIONAL ROUNDS

In the USA:

Georgetown University
Golden Gate University
Loyola University - New Orleans
St. Thomas University
University of Baltimore
University of Cincinnati
University of North Carolina
University of Virginia

In Europe:

BBP School of Law, London, UK
Warsaw University, Warsaw, Poland
University of Leiden, The Netherlands
ISU, Strasbourg, France
MGIMO University, Moscow, Russia
University of Bremen, Germany
Università di Benevento, Italy
Universidad de Jaen, Spain

In the Asia Pacific:

Amity Law School, New Delhi, India
Bangalore University, Bangalore, India
Chulalongkorn University, Bangkok, Thailand
Dr Ambedkar Govt Law College, Chennai, India
Dr Ambedkar Law College, Nagpur, India
Government Law College, Mumbai, India
National Law School of India University, Bangalore, India
National Law University, Jodhpur, India

National Univ of Juridical Sciences, Kolkata, India
National University of Singapore, Singapore
Parahyangan Catholic Univ, Bandung Indonesia
Shree Dharmasthala Manjunatheshwara Law College, Mangalore, India
Tsinghua University, Beijing, China
University Law College, Bhubaneshwar, India
University of Malaya, Kuala Lumpur, Malaysia
University of New South Wales, Sydney, Australia
University of Queensland, Brisbane, Australia
University of Sydney, Australia
University of Technology, Sydney, Australia
University of Tokyo, Japan
University of Western Sydney, Australia

CONTACT DETAILS REGIONAL ROUNDS:

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JUDGES FOR WRITTEN BRIEFS:

Mr Ian Awford, Australia
Prof. Joanne Gabrynowicz, USA
Prof. Francis Lyall, United Kingdom
Prof. V.S. Mani, India
Dr. Martha Mejía-Kaiser, Mexico/Germany
Prof. José Filho Monserrat, Brazil

JUDGES FOR SEMI FINALS:

Prof. Stephan Hobe, Germany (President)
Prof. Steven Freeland, Australia
Ms. Marcia Smith, USA

JUDGES FOR FINALS:

H.E. Judge Abdul Koroma, ICJ
H.E. Judge Vladlen Vereshchetin, ICJ
H.E. Judge Francisco Rezek, ICJ

AWARDS

A **Distinguished Service Award** was presented to IISL Treasurer Dr Frans von der Dunk during the IAF Banquet.

The **Dr. I.H.Ph. Diederiks-Verschoor Award** was given for the 4th time in Vancouver, to Ms Atsuyo Ito of Japan, for her paper on legal aspects of the International Charter on Space and Major Disasters The board of review consisted of Prof Back Impallomeni, Dr Jakhu and Dr. Ospina. A total of 8 papers had been submitted. The Award consist of a medal and a money prize of 500 Euros. The Board of review will set up guidelines for evaluation of the papers.

ELECTIONS

The Nomination Committee consisting of Prof. Galloway (chair), Prof. Back Impallomeni and Prof. Monserrat recommended that Professor

Lyall be re-elected. The Assembly adopted the report by consensus.

NEW MEMBERS

The following new members were elected:

Institutional member:

Cains Advocates Ltd (Institutional Member)
Mr. A Corlett, Mr. R Vanderplank, Mr. Tom Maher
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UNCOPUOS

A few IISL members will again be appointed as official **IAF observers** for the Legal Sub-Committee (4-15 April 2005) and/or the Plenary Session (8-17 June 2005). Please contact the Secretary **before 10 February 2005**.

IISL and ECSL will again organize a **Symposium for LSC delegates** on **4 April 2005** on "Recent developments in remote sensing and the desirability of reviewing the 1986 United Nations Principles Relating to Remote Sensing of the Earth from Outer Space". Amb. Jankowitsch will chair the meeting.

3rd REGIONAL SPACE LAW CONFERENCE BANGALORE, INDIA, 26-29 JUNE 2005

The Indian Space Research Organisation (ISRO) will host the next regional conference in Bangalore, India, from **26-29 June 2005**. This conference is the third in a series of regional space law conferences initiated in 2001 with the aim of bringing space law and policy specialists together in a specific region to discuss topics of particular interest to that region, thus allowing interested parties from various backgrounds to meet and interact with experts from all over the world and promoting mutual understanding and cooperation for the benefit of all parties. The IISL is very pleased to co-organise this third Regional Space Law Conference in cooperation with ISRO.

The Conference will focus on the following sessions-topics. **Members interested and available to participate as speakers are welcome to express their interest!**

(1) Legal implications of missions to the Moon

This session will discuss the legal implications of the renewed interest in sending missions to the moon, which testifies to the many ways in which the Moon could benefit mankind. Several space-faring nations such as the USA, India and China are contemplating manned or unmanned missions to the Moon. In addition, possibilities are explored to exploit the Moon and/or its resources for commercial purposes and/or by private entities. Whereas the Moon Agreement is in force, its relevance is seriously undermined because most space-faring nations reject it, and the regime for use and exploitation of the Moon which it envisaged has not come about. This raises a number of legal issues pertaining to, i.a., the legal status of the Moon and its use for commercial/private purposes, as well as for public, military and scientific purposes.

(2) Legal aspects of launching services

There are no space activities, and hence no space benefits, without launching services being provided. In view of the limited number of states with independent space access capabilities – some of which are developing nations – major issues arise here in the political/legal field as to possibilities for (other) states to ensure fair and realistic options for realising access to space. Thus, the session will i.a. deal with issues such as launch service agreements, international arrangements pertaining to a fair and reasonable market in launch services, licensing and liability issues.

(3) Remote Sensing and GI (Geographical Information)

In terms of possible benefits to be derived from space and space activities, a development of particular interest for developing countries arises in the increasing convergence of remote sensing technologies and satellite positioning services as

represented by the concept of 'Geospatial Information' systems. Many potential benefits from the combination of these two, originally separate, space applications in the areas of, for example, agriculture, forestry, fishing, environmental monitoring, and urban planning are envisaged, and the present session will focus on evaluating to what extent such benefits have actually materialised, and identifying the major legal and regulatory obstacles and facilitators.

(4) Telecommunications, including tele-education and tele-medicine

Another benefit of possible major interest for developing countries concerns the use of satellites for educational and health purposes. The present session will consequently deal with the legal parameters to such activities, e.g. when it comes to protection of data and intellectual property rights, licensing and liability issues. In addition, attention will be paid to the role telecommunications satellites can play more in general in support of policy objectives of developing countries in the Asia-Pacific region.

(5) A special case: Disaster Management

A particular benefit of space which has started to attract considerable attention concerns the manifold use of satellites in the prevention, mitigation and management of major disasters, both natural and man-made. The Charter on Space and Major Disasters which was established a few years ago provided a first focal point for such benefits, and has already been invoked a number of times to considerable effect. Future usage of satellites for such purposes is to be expected and to be welcomed, provided that a number of legal issues – access to versus protection against unwarranted usage of data, liabilities and the Good Samaritan principle, and institutional arrangements – are dealt with in an efficient and transparent manner.

(6) National space legislation: towards a Blueprint

In many respects, benefits derived from space activities might materialise through the involvement of private entities, provided that a proper balance is drawn between public interests (safety, security, socio-economic and environmental responsibilities) and the interests of bona fide private entities in a clear, fair and efficient legal regime. Such a balance can be established by means of national space legislation regulating issues like licensing, liability and insurance, and technological and socio-economic responsibilities of the licensees. The number of states adopting or considering the adoption of a national framework space law is growing, also in the Asia-Pacific region. At the international level, this raises the question of the desirability for such laws to be harmonised, at least as to some crucial elements, in order to avoid 'license shopping' and 'flags of convenience'.

A Registration Fee of US\$ 300 will be charged to all participants except students and teachers. For further information & expression of interest :
ISRO : lochan@isro.org / <http://www.isro.org>
IISL : secretary@iafastro-iisl.com / <http://www.iafastro-iisl.com/>

48th IISL COLLOQUIUM, 17-21 OCT. 2005 FUKUOKA, JAPAN

The following IISL sessions will be held:

Session 1 - Convergence and privatisation in telecommunications: institutional and other responses.

Technical and commercial developments in telecommunications have required institutional and other changes in the telecoms sector. Papers may review critically such revised organisations as ITSO and IMSO in the light of their new responsibilities, developments within the ITU and the success or otherwise of its transformation over the last decade, the legal basis and possible outcomes of WSIS, or the effect of domestic innovation in regulation (e.g. US or EU) within the international context. Other problems of convergence and privatisation may be identified and suggestions made for their solution.

Chairs: Prof. T. Kosuge, Prof. F. Lyall, Rapporteur: Mr S. Nandakumar

Session 2: Legal Aspects of Expanding Human Presence Beyond Low Earth Orbit

Currently, various plans are being developed which would result in human presence beyond low Earth orbit. Papers are invited to deal with various legal aspects thereof. To what extent do existing space treaties and principles limit human and robotic activities beyond low Earth orbit (e.g. in the commercial arena). What new instruments are required as humans plan to travel, work and live in space beyond low earth orbit? Should the international space community look beyond specific precedents such as the International Agreement on the Space Station and develop a general convention on Humans in Space, or proceed incrementally on a case by case basis?

Chairs: Prof. Agou, Prof. E. Back Impallomeni, Rapporteur: Prof. Aoki

Session 3: Legal issues related to new developments in space applications: navigation, remote sensing and GIS

Increasingly, space applications are developed in conjunction with other space applications, and the areas of satellite navigation and remote sensing provide an interesting example thereof as they are both incorporated into GIS and related systems. Papers are invited to address either of the topics of navigation and remote sensing, in particular focusing on new developments as to such overarching issues as GIS, and deal with the legal aspects thereof, for

example on privacy and data protection, security issues & encryption, access to data etc.

Chairs: Prof. M. Nakamura, Prof. J. Galloway, Rapporteur: Dr M. Mejia-Kaiser

Session 4*: Other legal matters 1, including legal aspects of sub-orbital flights

Papers may address all other legal matters, but are invited specifically to address legal aspects of sub-orbital flights, including institutional jurisdiction, boundary between air space and outer space, liability, registration, and landing rights.

Chairs: Mr. M. Satoh, Ms P. Sterns, Rapporteur: Mr. Y. Hashimoto

Session 5*: Other legal matters 2, including legal aspects of property rights on the Moon

Papers may address all other legal matters but are invited specifically to address recent developments on the question of property rights on the Moon, also looking at the broader issue of the relationship and interactions between government and private enterprise

Chairs: Prof. K. Nakatani, Prof. G. Catalano Sgrosso, Rapporteur: Ms M. Uchitomi

*** The exact schedules of session 4 and 5 will be determined after acceptance of all abstracts, and will be grouped according to topics, in either session 4 or 5.**

A Scientific/Legal Roundtable will be held on Thursday morning on Space Traffic Management. Chairs: K.U. Schrogl and P. Lala; Rapporteur: C. Contant. The Roundtable only has invited papers.

We will also propose a **Plenary Session**, it will be coordinated by Werner Balogh and Jim Keravala.

The **AUSMIISL** will hold its annual meeting in Fukuoka on Tuesday right after the morning IISL Session.

A few new rules and procedures will apply as of the 2005 Colloquium, please read the following carefully:

New procedure for abstract submission:

All authors must submit an abstract. This year, this must be done ONLINE, at www.iac-paper.org Please enter as a new user and follow the instructions.

ABSTRACTS MUST BE SUBMITTED AT WWW.IAC-PAPER.COM BY 1 MARCH 2005

AIAA instructions for final papers:

The instructions for authors of IISL papers will be given later, as it is not certain yet whether IISL papers will follow the same procedures as other IAC papers. Related to this is the question whether IISL papers will be included on the CD-ROM that IAF distributes to all registered

participants. This is currently being discussed with the publisher of our Proceedings, AIAA. As usual, acceptance of papers for presentation at the Congress does not imply acceptance for publication in the Proceedings of the Colloquium.

New rule on availability of papers:

The Board will be strict in requiring all speakers to have their paper available at the session, at least 5 copies for the chairs and rapporteur and secretary, but preferably the required 75 copies. Too often, a speaker just presents a summary and never hands in the full paper. Even for a summarised paper, the full paper must be available for the audience in sufficient numbers, or the paper will NOT be considered for publication.

Recommendation for presentations:

We encourage all speakers, especially those whose mother tongue is not English, to make a **Powerpoint presentation** of their paper.

New rule on uploading papers:

All presentations (Powerpoint, or otherwise the full paper) must be uploaded to the central system coordinating the presentations throughout the congress week. Experience in Vancouver showed that uploading presentations greatly facilitates the smooth running of the sessions, and saves precious time in setting up computers, finding presentations, fixing cables, etc.

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

All authors will receive an invitation to apply for this Award with their instructions package. The award consists of a medal and a money prize of 500 Euros.

14th MANFRED LACHS SPACE LAW MOOT COURT COMPETITION 2005

The semi finals and finals of the 14th Manfred Lachs Space Law Moot Court Competition will be held during the 2005 Colloquium in Fukuoka. The arrangements for the moot court are being put in place by a local committee, led by Prof. Kosuge, in which representatives of the Local Organizing Committee take part along with Japanese IISL members. The *Case Concerning International Liability (Deltastan v Gammaland)* was written by Dennis Burnett. Three Judges of the International Court of Justice will be invited to judge the Finals.

Regional rounds will again be held in Europe, the USA and the Asia Pacific, details about each round and the case are on www.spacemoot.org

49TH IISL COLLOQUIUM, VALENCIA, SPAIN, OCTOBER 2006

The Board will decide on session topics at its Spring Meeting.

Suggestions are most welcome and should be sent to the Secretary before 15 March 2005.

The 15th(!) Manfred Lachs Space Law Moot Court Competition will be held in Valencia in 2006. the case will be written by an author from the Asia Pacific region.

ACTIVITIES/ PUBLICATIONS

• Property rights on the Moon:

As mentioned in the previous Newsletter, the Board of Directors published a Statement on its website on **Claims to Property Rights Regarding The Moon and Other Celestial Bodies**. Several reactions were received, and it is now the intention of the Board, as a follow-up and at the instigation of Mrs. Galloway, to organise a workshop uniting scientists and lawyers to address these questions, in order to look at the broader issue of the relationship and interactions between government and private enterprise. The Institutes of air and space law in Cologne, Leiden and Montreal have agreed to cooperate, and will plan the workshop on questions related to commercial exploitation to be held in early 2006.

• Proceedings Colloquia:

The Bremen volume has been published by AIAA. The current contract with AIAA runs until and including the Fukuoka colloquium and discussions on renewal will soon take place.

• Proceedings China Conference: CISL has made available a number of copies of the Proceedings of the conference held in Beijing in April 2004. A few are still available @ 20 Euros + postage, please contact the Secretary if you are interested.

• History of the IISL: the book "Origins of International Space Law and the International Institute of Space Law of the International Astronautical Federation" (Univelt, 2002, see <http://univelt.com/univeltpubs/index.html> for details) can be purchased at the special price of USD 25. Contact the Secretary.

• 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.

• UN Contract for IISL contribution to Highlights in Space Report: the report has been prepared by Dr. Sylvia Ospina and Dr. Bradford Smith.

• Report of IISL activities to COPUOS LSC: the Secretary has prepared this report.

- Update of the IISL Bibliography: Dr. Sergei Negoda is working on an update, covering 1996-2003.

- New Membership list:

All paid-up IISL members will find the new updated list with this issue of the newsletter. *Please inform us of any incorrect data!!*

- Revision of Statutes

The proposed revision with a view to incorporating the IISL in The Netherlands has not yet been completed. The Committee will continue its work.

DUES

An invoice for membership dues for 2005 (unless already paid in advance) and, where applicable, previous years will be mailed separately by the Treasurer.

Several members who were 3 or more years in arrears were moved to the list of 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 May 2005. The Board reserves the right to decide what information will be published.

- **Chris Stott** provided information on the CAINS SPACE LAW PRIZE. Isle of Man-based Cains (just elected an as Institutional IISL Member!) is offering a space law prize of \$5,000 annually to a graduate student enrolled in the masters programme at ISU. Students must be accepted to the ISU masters programme and have a legal background or demonstrate an interest in the legal aspects of space activity. See <http://www.iomonline.co.im/ViewArticle2.aspx?SectionID=872&ArticleID=869749> for details.

- **Dr. E. Gaggero** reported the following. The Centro de Investigación y Difusión Aeronáutico-Espacial (CIDA-E) was established in 1975 and celebrated in 29th anniversary. On 9 November, to celebrate this anniversary, the Center organised an academic meeting on two topics related to aeronautic and space matters. The space module analysed OVNI phenomena, space debris and aerospace development in Uruguay. The aeronautic module analysed issues concerning aeronautic policy.

- **Prof. Francis Lyall**, flyall@abdn.ac.uk and **Prof. Paul Larsen**, pblspace@aol.com reported on an interesting space law project. The Library of Essays in International Law (Ashgate Publishing), cover international law topics ranging

from the Law of the Sea to International Environmental Law. Ashgate would like to include a book of essays on space law in its Library and both professors have been asked to compile such a collection. They have freedom to select from among the most significant essays on space law. They intend to include writings showing the early development of space law as well as recent writings on specific topics such as liability, registration, communication satellites, military uses of outer space, environmental issues, living in outer space, etc. They would be pleased to hear of essays and articles that should be included in this collection, to be published in early 2006. Please contact them by email.

- **Prof. Carl Christol** sent some information about his recently published book, "International Law and U.S. Foreign Policy". The ten Chapters deal with the Scope of International Law, U. S. Foreign Policy, Terrorism, Foreign Policy and Law, International Criminal Tribunals, the Human Environment and Climate Change, Antipersonnel Land Mines, Arms Control and Disarmament, The Middle East Peace Process, The Iraq Crisis: Legal and Political Issues, and a Conclusion. An Addendum is entitled "The Private Citizen and the Formulation of Public Policy." The publisher is University Press of America, 4720 Boston Way, Lanham, Maryland, 20706.

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/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, Members 64.95

97: List price 94.95, Members 74.95

98-02: List price 99.95, Members 79.95

Years refer to Colloquia ('04 is Vancouver.).

All orders from TASCO must be prepaid.

We are looking into the question of certain volumes that appear to be out of print.

FINAL NOTES

For information on the 56th International Astronautical Congress in Fukuoka contact:

56th IAC Secretariat:

1-18-2 Shinbashi, Minato-ku, Tokyo 105-0004
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Registration, Accommodation:

<http://www.iac2005.org>

Programme:

<http://www.iafastro.com> or <http://iafastro-iisl.com>

Upload abstracts, papers:

<http://www.iac-paper.com>

NEW ADDRESS OF THE SECRETARY, FROM MARCH 1, 2005:

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