# 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. 69 – DECEMBER 2005**

# **PRELIMINARY NOTE:**

The IISL Board is sad to announce that its Honorary Director, eminent space law teacher and long-time friend Dr. He Qizhi from China passed away in June 2005. He will be greatly missed by all. An "In Memoriam" will be published in the Proceedings of the Fukuoka Colloquium.

# 48<sup>th</sup> IISL COLLOQUIUM, 17-21 OCT. 2005, FUKUOKA, JAPAN

The 48<sup>th</sup> IISL Colloquium was held from 17-21 Oct. 2005 in Fukuoka, Japan. 56 papers had been accepted for 5 sessions. 10 papers were withdrawn, and 9 were summarized by others. The colloquium was well attended and discussion was good. The following sessions were held:

Session 1: Legal issues related to new developments in space applications: navigation, remote sensing and GIS. **Chairs**: Prof. Jonathan Galloway and Prof. S. Aoki; **Rapporteur**: Dr M. Mejia-Kaiser

Session 2: Legal Aspects of Expanding Human Presence Beyond Low Earth Orbit. **Chairs**: Prof. Mamoru Koga and Prof. Elisabeth Back Impallomeni, **Rapporteur**: Prof. Setsuko Aoki

Session 3: Other legal matters 1, including legal aspects of sub-orbital flights. **Chairs:** Mr. M. Satoh and Prof. Hobe; **Rapporteur**: Mr. Y. Hashimoto

Session 4: Other legal matters 2, including legal aspects of property rights on the Moon. **Chairs:** 

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

Session 5: Convergence and privatisation in telecommunications: institutional and other responses. **Chairs**: Prof. Toshio Kosuge and Prof. Francis Lyall; **Rapporteur**: Mr S. Nandakumar

A **Scientific/Legal Roundtable** was held on Space Traffic Management. Chairs: K.U. Schrogl and P. Lala; Rapporteur: C. Contant.

IISL also organised a successful **Plenary Session**, on "Commercial Space Business and the Global Earth Observation System of Systems (GEOSS)", coordinated by Werner Balogh.

# 14<sup>th</sup> MANFRED LACHS SPACE LAW MOOT COURT COMPETITION 2005

The 14<sup>th</sup> Manfred Lachs Space Law Moot Court Competition was held during the Fukuoka IISL Colloquium. The Case Concerning International Liability (Deltastan v. Gammaland) was written by Ricky Lee. Preliminaries were held at regional level in Europe, North America and in the Asia Pacific region. The Finals were judged by three Judges of the International Court of Justice. Prof. Kosuge and his efficient team of collaborators and the LOC organised everything very well. Thanks must be expressed to all sponsors, including JAXA, SOLAPSU and Seinan Gakuin University, along with almost twenty Japanese sponsors, as well as the Association of US Members of the IISL, NASA, ESA/ECSL and JAXA for sponsoring the winners of the regional rounds. The finals were hosted by the Seinan Gakuin University. The University's Seinan

Cross-Plaza was the location for the annual dinner attended by some 150 guests.

# **Results of the world finals:**

- **Winner**: George Washington University, Washington DC, USA, (Ms. Kristie Blase and Ms.Olivia Hussey; Coach: Prof. H. Hertzfeld/Mr. S. Mirmina)

- **Runner up**: National University of Singapore (Ms. Joan Lim Pei Hoon and Kirpalani Rakesh Gopal; Coach: Ass. Prof. Lim Lei Theng)

- **2nd runner up**: University of Cambridge, UK (Mr. Chris Owen, Mr. Alessandro Turati and Mr. Daniel Bovensiepen; Coach: Prof. James Crawford)

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

- **Sterns and Tennen Award** for Best Oralist: Ms. Joan Lim (Singapore)

# Participants in the regional rounds

# In North America:

- 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
- Nat. 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:**

- North America: Milton (Skip) Smith <u>SSMITH@sah.com</u>
- Europe: Alberto Marchini <u>Alberto.Marchini@esa.int</u>
- Asia Pacific: Ricky Lee
  asiapacific@spacemoot.org

# Judges for written briefs:

- Mr. Ian Awford, Ebsworth & Ebsworth, Sydney, Australia
- Prof. Joanne Gabrynowicz, University of Mississippi, USA
- Prof. Y. Hashimoto,, National Institute for Defense Studies, Tokyo, Japan
- Dr. Martha Mejia-Kaiser, Independent researcher, Mexico
- Ms. Marcia Smith, Library of Congress, USA
- Dr. Frans von der Dunk, International Institute of Air and Space Law, Leiden, The Netherlands

# Judges for semi finals:

- Mr. K.R. Sridhara Murthi, Exec. Director, Antrix Corp, India
- Dr. Peter van Fenema, Adj. Professor, McGill Institute of Air and Space Law, Montreal / Consultant, The Netherlands
- Prof. Ram Jakhu, McGill University, Canada

# Judges for finals:

- H.E. Judge Hisashi Owada, ICJ
- H.E. Judge Abdul Koroma, ICJ
- H.E. Judge Vladlen Vereshchetin, ICJ

# **AWARDS**

A **Distinguished Service Award** was presented to **Mr. Ricky Lee** (Australia), "With deep appreciation for his tireless service in support of the Manfred Lachs Space Law Moot Court Competition, and especially his outstanding leadership and contributions to the success of the annual Asian Regional Rounds". The **Dr. I.H.Ph. Diederiks-Verschoor Award** was given for the 5th time in Fukuoka, to **Ms Zeldine O'Brien** from the University of Dublin, Ireland, for her paper "Consumer protection and the limitation of liability in the national regulation of the space industry". The board of review consisted of Prof. Back Impallomeni, Dr. Jakhu and Dr. Ospina. The Award consists of a medal and 500 Euros. A total of 3 papers had been submitted.

# **ELECTIONS**

The Nomination Committee consisted of Prof. Galloway (chair), Prof. Monserrat and Dr. van Fenema. Dr. Perek had announced that he preferred not to stand for re-election. The Committee recommended that N. Jasentuliyana, E. Back-Impallomeni, G. Catalano-Sgrosso, S. Hobe, R. Jakhu, R. Ramirez, K-U. Schrogl, and P. Sterns be elected. It also nominated N. Jasentuliyana for President, in light of his continuing strong, energetic and progressive leadership of the IISL.

The Committee also proposed that the Board could achieve balance according to the 1/3 rule if the Assembly would choose by lot the newly elected directors to have either 2-year terms or 3-year terms. For 2005, five would have 2- year terms and three would have 3-year terms. To maintain balance over the years, the Board should fill any vacancies by selecting the new member not for 3 years but for the remaining amount of time in the vacated term.

The Assembly adopted the report by consensus.

The allotment of 2- and 3-year terms resulted in the following:

- *Elected for a 2-year term:* Ms Sterns, Prof. Catalano Sgrosso, Prof. Jakhu, Prof. Ramirez, Dr. Schrogl.
- Elected for a 3-year term: Dr. Jasentuliyana, Prof. Hobe, and Prof. Back Impallomeni.

# **NEW MEMBERS**

A record number of 18 new individual members were elected:

M.Sc., Dr. Dipl.-Ing Werner Balogh International Relations Officer EUMETSAT Gumpendorferstrasse 83/2/42 1060 Vienna, AUSTRIA 43-664 1220032 49-6151 961 6476 wbalogh@gmx.net

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Ms. Victoria Williams Brownstein Hyatt & Farber, PC 410 17th Street, 22nd Floor Denver, CO 80202, USA 1-303 223 1216 1-303 223 0942 vowilliams@bhf-law.com

# 3<sup>d</sup> REGIONAL SPACE LAW CONFERENCE 2005, BANGALORE, INDIA, 26-29 JUNE 2005

This Conference, with the theme "Bringing Space Benefits to the Asian region", was jointly organised by the Indian Space Research Organisation (ISRO), the Astronautical Society of India (ASI), and the IISL. The meeting was held in conjunction with a Conference organised by the International Academy of Astronautics (IAA) on "Advances in Planetary Exploration", and several joint sessions were organised. Session topics were:

- Legal and technical implications of planetary exploration
- Legal aspects of launching services
- National space legislation: towards a Blueprint
- Remote Sensing and GI (Geographical Information)
- Telecommunications, including teleeducation and tele-medicine
- A special case: Disaster Management
- Commercial issues involved with space activities

The Conference was very successful, with participants from 17 countries taking part. There has been a lot of follow up, especially in relation with the session on National space legislation. Interaction between lawyers and scientists was also very good. Reports of the sessions have been finalised and Proceedings are practically ready for publication early next year.

# 4<sup>th</sup> REGIONAL SPACE LAW CONFERENCE BANGKOK, THAILAND, 6-8 AUGUST 2006

The Ministry of Information and Communication Technology of Thailand has agreed to host the next regional conference in Bangkok, Thailand, from **6-8 August 2006.** IISL will cooperate with the Space Law & Policy Centre of Chulalongkorn University in Bangkok, Thailand. This conference is the fourth 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 *provisional* topics to be addressed during the Conference are:

 Reforming the Regulatory Regimes governing Telecommunications in Asia

- **Regional Cooperation** in Asia relating to Space Activities (remote sensing, launching, satellite navigation, GI, training, ...)
- Legal aspects of Disaster Management: initial results and suggestions for improvement of the International Charter on Space and Major Disasters
- Remote Sensing: Legal aspects of direct access for private customers to hi-res commercial satellite imagery in Asia
- National space legislation: developments in Asia
- Panel session on legal issues arising from space exploration and exploitation

Members who are interested and available to participate as speakers are welcome to express their interest as soon as possible!

# SYMPOSIUM ON POLICY AND LAW RELATING TO OUTER SPACE RESOURCES, MONTREAL, CANADA, MAY/JUNE 2006

The Institutes in Leiden, Cologne and Montreal are working together to organise the "IIASL (McGill) – IISL International Interdisciplinary Symposium on Policy and Law relating to Outer Space Resources: the Example of the Moon and Celestial Bodies", most probably in June 2006 in Montreal.

More information will be provided at a later stage.

# UNCOPUOS SESSIONS, VIENNA, AUSTRIA, APRIL / JUNE 2006

IISL members will again be appointed as official **IAF observers** for the Legal Sub-Committee (3-13 April 2006) and/or the Plenary Session (7-16 June 2006). Please contact the Secretary **before 27 January 2006** if you would like to serve as an observer in Vienna.

IISL and ECSL will again organize a **Symposium for LSC delegates** on **3 April 2006** on Disaster Management. Amb. Jankowitsch will chair the meeting and several speakers have already accepted to make presentations.

# 49<sup>th</sup> IISL COLLOQUIUM, 2-6 OCTOBER 2006, VALENCIA, SPAIN

The following IISL sessions will be held:

# 1. Legal aspects of space transportation and launching

The session deals with new developments in space transportation and launching, and their legal aspects. Papers are solicited on such issues as private launch vehicles and spaceports, international and national export controls in the area of launch services, and the global playing field for launch services.

Dr. A. Azcarraga, <u>dep.aeroespacial@sener.es</u> Dr. P. van Fenema, <u>pvanfenema@hotmail.com</u>

### 2. Legal aspects of disaster management

The use of satellite information for disaster management purposes has been growing rapidly, but raises a number of new legal issues. Should international humanitarian laws apply, regardless of national sovereignty issues? Are there any applicable international "good Samaritan" laws? What role can the International Charter on Space and Major Disasters play? Are Remote Sensing Principles and any other relevant rules of space law applicable?

Chairs:

Prof. S. Marchisio, Italy, <u>sergio.marchisio@isgi.cnr.it</u> Prof J. Faraminan Gilbert, Spain - jmfarami@ujaen.es

# 3. International cooperation in space activities, with special focus on remote sensing

This session will examine new means of multinational and bilateral space cooperation among States in different fields of space activities, such as launching, telecommunication, global positioning systems, satellite applications, industrial capacities, professional training. Papers are invited to address remote sensing programs with general and specific purposes. Chairs:

Prof. J. Gabrynowicz, USA, - jgabryno@olemiss.edu Prof. J. Monserrat, Brazil - monserrat@alternex.com.br

# 4. Space law at times of armed conflict

This session will address the rules of international law (particularly space law) and specific national laws that may govern the means and methods of conducting armed conflict operations in and from outer space. This may also involve the discussion of legal rules for determining the legitimacy of threat or use of force in and from outer space. Chairs:

Prof. R. Jakhu, Canada - ram.jakhu@mcgill.ca Prof. J. Galloway - galloway@lakeforest.edu

# 5. Other legal matters, including the relationship between government and private sector in space activities.

This session is intended to deal with any legal matters that are not directly covered by the above four sessions. In view of the overall importance of the subject, in particular papers are solicited to deal with the relationship between the public (both national and international) and private sectors in space activities, such as regarding the development of national licensing regimes, attendant liability issues and registration. Chairs:

Mr. M. Ferrazzani, ESA - <u>Marco.Ferrazzani@esa.int</u> Dr. M<sup>a</sup> del C. Muñoz Rodriguez - <u>mcrodri@ujaen.es</u>

A <u>Scientific/Legal Roundtable</u> will be held in Valencia on "Nuclear Power Systems in space –

the new reality". This Roundtable will take up current trends and bring together highlights of the issue, which has recently been discussed in IAA as well as IISL sessions. There will be five to six invited papers.

Co-chairs: Dr. Mendell and Dr. Kopal.

We will also propose a Plenary Session.

### Procedure for abstract submission:

All authors must submit an abstract; this must be done ONLINE, at <u>www.iac-paper.org</u> Please enter as a new or existing user and follow the instructions.

ABSTRACTS MUST BE SUBMITTED AT WWW.IAC-PAPER.COM BY 10 MARCH 2006

Detailed instructions about uploading papers and presentations and about applying for the Diederiks Award will be included in the summer edition of this Newsletter.

# 15<sup>TH</sup> MANFRED LACHS SPACE LAW MOOT COURT COMPETITION 2006

The semi finals and finals of the 15<sup>th</sup> Manfred Lachs Space Law Moot Court Competition will be held during the 2006 Colloquium in Valencia. The arrangements for the moot court are being put in place by a local committee, in which the representatives of Local Organizing Committee take part along with Spanish IISL members. The Case concerning the sale and operation of certain Commercial remote sensing (Galatea Thalassa: satellites V Proteus Intervening) was written by Ricky Lee. Three Judges of the International Court of Justice will be invited to judge the Finals.

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

# 50<sup>th</sup> IISL COLLOQUIUM, NEW DELHI, INDIA, OCTOBER 2007

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 2006.

The 16<sup>th</sup> Manfred Lachs Space Law Moot Court Competition will be held in India in 2007. the case will be written by 2 authors from Europe.

# REGISTERING THE IISL AS AN ASSOCIATION

After extensive research and debate, the Board decided to incorporate the IISL in The Netherlands. Insurance for Board members against personal liability under Dutch Law is available in The Netherlands at a reasonable cost. For the time being, no amendments will be made to the Statutes, except those that are strictly necessary to comply with Dutch law; those will be communicated and voted by (e)mail among the Board and General Assembly of members as far as feasible. Then, when incorporation is realised, further amendments to the Statutes can be envisaged.

# **ACTIVITIES/ PUBLICATIONS**

• Proceedings Colloquia:

The Vancouver volume has been published by AIAA. Our publication contract with AIAA is expected to be renewed in 2006.

• <u>Proceedings India Conference</u>: ISRO expects to publish the Proceedings of the conference in early 2006.

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

• <u>Standing Committee on the Status of</u> <u>International Agreements Relating to Activities in</u> <u>Outer Space</u>, Dr. Terekhov's report will as usual be printed in the Proceedings.

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

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

• New Membership list:

All paid-up IISL members will receive a PDF file with the new updated list in January. *Please inform us of any incorrect/ incomplete data!!* 

# DUES

An invoice for membership dues for 2006 (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**

<u>The Board invites Members to submit relevant</u> <u>information to the Secretary for inclusion in future</u> <u>issues of the Newsletter</u>. 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 <u>15 May</u> <u>2006</u>. The Board reserves the right to decide what information will be published.

- <u>Dr. Gaggero (Uruguay</u>) reported on CIDA-E's activities in reference to its 30th Anniversary. On 13 October, the Center organized an academic meeting on liability in aviation.

The themes were:

- Civil liability and its regulation in air law
- Liability in the 1952 Rome Convention and the proposed modification. Liability and aviation insurance
- Technical Annexes to the 1944 Chicago Convention

Dr. Eduardo Gaggero and Esc. Alicia Presto reported on the achievements of the Center over the past three decades.

<u>- Dr. Benkö (Germany</u>) reported that the new book **"Space Law: Current Problems and Perspectives for Future Regulation"**, edited by Kai-Uwe Schrogl and herself is now in print (see flyer).

- <u>Prof. Gabrynowicz (USA)</u> reported that The National Remote Sensing and Space Law Center of the University of Mississippi School of Law published Volume 31, issue 2 of the *JOURNAL OF SPACE LAW* in the second half of 2005. Authors are invited to submit manuscripts, and accompanying abstracts, for review and possible publication in the *JOURNAL*. Submission of manuscripts and abstracts via email is preferred. Papers addressing all aspects of international and national space law are welcome. Additionally, papers that address the interface between aviation and space law are also welcome. Please email manuscripts and accompanying abstracts in Microsoft Word or WordPerfect to:

jsl@olemiss.edu

Or, alternatively, a hardcopy of the manuscript and abstract, along with a computer diskette containing them in Microsoft Word or WordPerfect format may be sent to: Journal of Space Law, P.O. Box 1848, University, MS 38677, USA.

- <u>Prof. Catalano Sgrosso (Italy)</u> reported on the new interdisciplinary post-graduate Masters course D.I.A.S. (Diritto e Innovazione delle Imprese Aereo-Spaziali - Law and Innovation of Air-Space Companies"), at the Faculty of Economy of the University of Rome La Sapienza, of which she is the Director. (see flyer)

# HOW TO ORDER PROCEEDINGS

IISL members are entitled to purchase copies of the Proceedings at a <u>discount.</u> 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 (Volumes from 1980-1992 are out of print).

Issues from 1993\* are available from AIAA Publications Customer Service, P.O. Box 960, Herndon, VA 20172-0960, USA. T: 703-661-1595; fax 703-661-1501 E: warehouse@aiaa.org W: http://www.aiaa.org/content.cfm?pageid=320 Prices range from \$64.95 (US) for members to \$140 (US) for non-members.

\*Some proceedings may be out of print.