

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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INTRODUCTION

The Board of Directors met on March 18th, 2006 in Paris. The deliberations and decisions of the Spring Meeting are reflected in this Newsletter.

**INTERNATIONAL & INTERDISCIPLINARY
WORKSHOP ON POLICY & LAW RELATING
TO OUTER SPACE RESOURCES: THE
EXAMPLE OF THE MOON, MARS & OTHER
CELESTIAL BODIES
MONTREAL, 28-30 JUNE 2006**

This workshop, dedicated to Mrs. Eilene Galloway, was organized by the Institute of Air and Space Law at McGill University and the IISL, in cooperation with the Cologne Institute of Air and Space Law, the Leiden International Institute of Air and Space Law and the University of Mississippi National Remote Sensing and Space Law Centre. It had the support of the UN Office of Outer Space Affairs, ISRO, the Social Sciences & Humanities Research Council of Canada, the N.M. Matte Fund for Space Law, MDA Corporation, and OPTECH Corporation. The following sessions were held:

- Session 1: State-of-the-art technologies, physical and geological composition of the celestial bodies and international cooperation
- Session 2: The role of private actors: commercial development of the outer space resources, including those of the moon and other celestial bodies: economic and legal implications
- Session 3: Environmental concerns
- Session 4: The adequacy of the current legal and regulatory framework?
- Session 5: The acceptability of the moon agreement and road ahead?
- Session 6: Concluding discussions

The workshop was successful. A summary report is under preparation and will be available in Valencia, and the Proceedings will be published by McGill.

**SPACE LAW CONFERENCE BANGKOK,
THAILAND, 1-4 AUGUST 2006**

The Thai Ministry of Information and Communication Technology hosted the 5th regional space law conference, 'Asian cooperation in space activities: a common approach to legal matters' in Bangkok, Thailand, from 1-4 August 2006. Professor Nipant Chitasombat cooperated with the Secretary to arrange the conference. The programme was as follows:

- Session 1: Reforming the regulatory regimes governing telecommunications in Asia
- Session 2: National space legislation: developments in Asia
- Session 3: Asia's role in Remote Sensing and legal aspects of access to High-Res satellite imagery
- Session 4: Legal aspects of disaster management: initial results and suggestions for improvement of the International Charter on Space and Major Disasters
- Session 5: Regional cooperation in Asia relating to space activities
- Session 6: Legal issues arising from space exploration and exploitation.

The conference was officially opened by HRH Princess Maha Chakri Sirinthorn of Thailand, and was a great success. Extensive discussions took place among participants from many countries, both from Asia and other regions. Session reports are being prepared by the rapporteurs, and it is envisaged that the Proceedings will be published.

THE 49TH IISL COLLOQUIUM, VALENCIA, SPAIN, 2-6 OCTOBER 2006 (THEME: BRINGING SPACE CLOSER TO PEOPLE)

Sessions:

Official IAF approval and AIAA instructions were sent to all authors by IAF. All papers must be uploaded to the central paper website by 15 September in order to be included in the DVD that will be given to all participants. Each session will aim to have a discussion of about 30 minutes. In view of the large number of papers, it is expected that we cannot have a general discussion on Friday. Session 2 was divided into 2 parts, the first part dealing with the original topic Disaster Management, and a second part dealing with 'the Moon, Property Rights and Legal Issues'.

The session programme is as follows (all sessions take place in Room 14):

Session 1: Legal aspects of space transportation and launching

Chairs: Dr. Alvaro Azcarraga and Dr. Peter van Fenema, Rapporteur: Ms. Petra Vorwig
13 Papers (Tuesday morning)

Session 2: Legal aspects of disaster management

Chairs: Prof. Sergio Marchisio and Prof. Juan Faraminan Gilbert, Rapporteur: Ms. Rocio Caparros
6 Papers (Tuesday afternoon, first part)

Session 2A: the Moon, Property Rights and Legal Issues

Chairs: Prof. Sergio Marchisio and Prof. Juan Faraminan Gilbert, Rapporteur: Ms. Rocio Caparros
7 Papers (Tuesday afternoon, second part)

Session 3: International cooperation in space activities, with special focus on remote sensing

Chairs: Prof. Joanne Gabrynowicz and Prof. José Monserrat Filho, Rapporteur: Dr. Martha Mejia-Kaiser
13 Papers (Wednesday morning)

Session 4: Space law at times of armed conflict

Chairs: Prof. Ram Jakhu and Prof. Jonathan Galloway, Rapporteur: Ms. Kelly Gable
12 Papers (Wednesday afternoon)

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

Chairs: Mr. Marco Ferrazzani and Dr. M^a del Carmen Muñoz Rodriguez, Rapporteur: Mr. Ricky Lee
17 Papers (Friday morning)

Scientific/Legal Roundtable: Nuclear Power Systems in space – the new reality

Chairs: Dr. Mendell and Dr. Kopal. This roundtable will take place on Thursday morning. There will be 5 invited papers.

- IISL Plenary Session

The IISL Plenary coordinated by Christopher Stott 'Enabling the Frontier: Regulatory Challenges to the Utilization of Space'. Speakers will be held on Wednesday at 14h20, as follows:

- Andrew Corlett, Managing Partner, Cains
- Art Dula, CEO, Excalibur Ltd
- Indra Heed, Corporate Counsel, MDA
- Clayton Mowry, CEO, Arianespace Inc. (tbc)
- John Purvis, General Counsel, SESGlobal (tbc)
- Frans von der Dunk, Int. Inst. of Air and Space Law, Leiden

- Dr. I.H.Ph. Diederiks-Verschoor Award

The Dr. I.H.Ph. Diederiks-Verschoor Award will be given in Spain. The Board of Examiners will consist of Prof. Back Impallomeni, Dr. Jakhu and Dr. Ospina. The final date for submission is 15 September and can be done online.

The *General Assembly* will be held on Wednesday, right after the morning session.

The *annual IISL dinner* will be held on Thursday evening, at the Masia del Siglo XIX outside Valencia (bus transportation will be provided).

Summary meeting schedule:

Session 1	Tuesday 10h10-13h10
Moot semi-final	Tuesday ±14h00 (closed)
Session 2	Tuesday 15h30-18h30
Session 3	Wednesday 10h10-13h10
Gen. Assembly	Wednesday 13h10
Plenary	Wednesday 14h20-15h20
Session 4	Wednesday 15h30-18h30
Moot court finals	Thursday 14h00
IISL Dinner	Thursday evening
Session 5	Friday 10h10-13h10
IAF Gala Dinner	Friday evening

Practical information:

Written paper

All authors have been informed whether their paper was accepted. **Detailed instructions can be downloaded from the IAF website, www.iafastro.com These instructions apply also to IISL papers.**

Before you can upload your papers, you must fill in the copyright form online. Please follow all instructions closely. **Note that there is a special copyright form for IISL papers.**

All papers must be uploaded by September 15, to be included in the **DVD** that will hold all IAC papers. If your paper is uploaded after that date, it can still be accessed online at the Congress.

This being the case, it is **no longer required to bring a large number of copies for distribution**

during the Colloquium – although you are free to do so. **You must bring the number of copies required in the instructions, i.e 5 if you have uploaded on time, and otherwise 10.**

The required number of copies must be available.

No paper = no presentation /no publication!

If for any reason your paper is NOT uploaded during the congress, you must still bring 75 copies, and upload as soon as possible but no later than 1 month after the Congress.

Although IISL papers will be included in the CD-rom, the IISL Proceedings, containing additional materials, will continue to be published by AIAA.

To be considered for publication, **the final version of your paper must be available not later than one month after the Congress.** In case you change your paper, the final version must be sent to:

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President, Advancing Space Consulting Group
10509 Center Street, #100
Fairfax, VA 22030
Tel: 703-655-3813
Fax: 703-352-3000
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Note: This is an exception to the rule that all papers must be uploaded by the start of the Congress, and the extension is only to be used in special cases and after consulting the secretary. Papers that are not formatted according to the instructions will not be printed in the Proceedings.

Oral presentation

Speakers making use of Powerpoint must follow the instructions provided to all authors. Note that if you want your presentation to be uploaded, this must be done **at least one day before your session!** You may also bring your own computer and connect that, but you may not insert a CD or memory stick into the computer in the room.

Each speaker will have 15 minutes to present his/her paper.

In order to be considered for publication, a paper must be presented at the Colloquium, either by the author himself, or, in summary, by another person.

For information on the Valencia Congress visit <http://www.iac2006.com>

15TH MANFRED LACHS SPACE LAW MOOT COURT COMPETITION

The 15th Manfred Lachs Space Law Moot Court Competition will be held during the Valencia Colloquium. Semi-finals will be held at the Ciudad de la Justicia on Tuesday 3 October (a CLOSED session). The Finals will be held on Thursday 5

October at the Tribunal Superior de Justicia de Valencia. Three Judges of the ICJ will judge the Finals: Judges Owada, Koroma and Sepúlveda.

The Sterns and Tennen award for Best Oralist, the Eilene M. Galloway Award for Best Brief, the Manfred Lachs Trophy, plaques and certificates will be awarded as usual.

For the **European** round, 6 teams participated. The round was held at the Catholic University of Leuven, Belgium. In the **Asia Pacific** round, 40 teams took part in Sydney, and a domestic funding round was held in India. In **North America**, 10 teams competed in Washington, DC.

The **winners of the preliminary rounds** are

- the University of Leuven, Belgium,
- the Institute of Air and Space Law, McGill University, Canada and
- the University of Auckland, New Zealand.

ECSL and JAXA will sponsor the winners of the European and Asia Pacific rounds; as for the North American round it is not yet clear who will sponsor the winning team.

The team with the highest score for written briefs will go directly to the Finals, the other two teams will meet first in the Semi Final.

AWARDS & CERTIFICATES

The Board decided unanimously that a Distinguished Service Award will be presented to our member **Mr. Leslie Tennen (USA)**. Furthermore, a Lifetime Achievement Award will be presented to **Dr. Lubos Perek (Czech Republic)**.

ELECTIONS

In 2006 the term of office of the following directors will expire: Dr. Kopal (Vice-President), Ms. Smith (Vice-President), Ms Masson-Zwaan (Secretary), Dr. von der Dunk (Treasurer), Prof Galloway, Prof. Kosuge, Prof. Monserrat, Mr. Murthi, Dr. Ospina, Dr. Terekhov.

In accordance with the proposal of last year's committee, four officers will have 2-year terms and six will have 3-year terms.

The nomination committee consists of Dr. Peter van Fenema (Chair), Prof. Back Impallomeni, and Dr. Leslie Tennen. It will give its report in Valencia.

NEW MEMBERS

The following new members were elected:

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UNCOPUOS

Several members served as official IAF observers for the Legal Sub-Committee (3-13 April 2006) and the Plenary Session (7-16 June 2006).

IISL and ECSL organized a Symposium on 3 April 2006 on "Legal Aspects of Disaster Management and the Contribution of the Law of Outer Space". Amb. Jankowitsch chaired the meeting, and the speakers were Prof. Gabrynowicz, Prof. Ray Harris, Prof. Sergio Marchisio and Ms. Masami Onoda. Ms. Atsuyo Ito wrote a report, which will also be published in the IISL Proceedings. The Chairman of the Legal Subcommittee gave concluding remarks.

IISL presented a report on its activities to the COPUOS, and submitted a report for the UN Highlights in Space Report. The latter was prepared by Sylvia Ospina and Bradford Smith.

The Board expresses many thanks to all those who helped in writing and presenting these reports.

50TH IISL COLLOQUIUM, HYDERABAD, INDIA, 24-28 SEPTEMBER 2007 (THEME: TOUCHING HUMANITY: SPACE FOR IMPROVING QUALITY OF LIFE)

The following sessions will be held:

- 1. The Impact of Outer Space Law on Regional Policies:** This session will focus on outer space policy and the legal implication on national law in Europe, Asia and America. Particularly, it will look into regional coordination as well as current and future programs and legislations. Chairs: KR Sridhara Murthi, INDIA, and Gabriella Catalano Sgrosso, ITALY/ Rapporteur: V. Gopala Krishnan, ISRO- INDIA
- 2. Legal Issues of Private Spaceflight and Space Tourism:** Since the X-Prize was won in October 2004, plans for private spaceflight bringing tourists into outer space have rapidly grown. The session solicits papers addressing the many legal aspects of these developments, as well as the broader contexts of private spaceflight in the service of public manned missions. Chairs: MYS Prasad, INDIA, and Frans von der Dunk, NETHERLANDS/ Rapporteur: Partha Sarathi Datta, INDIA
- 3. New Legal Developments in the Protection of the Space Environment:** This session will combine views on space debris and planetary protection. In the field of space debris mitigation, the UN is in the course of adopting guidelines and national space legislation and licensing regimes provide new means for establishing innovative regulation. In the field of planetary protection, the recent plans for space exploration have to be checked with existing and to-be-developed regulations. The session aims at providing new ideas for legal but also ethical approaches. Chairs: VS Mani, INDIA, and Kai-Uwe Schrogl, GERMANY/ Rapporteur: Mukund Rao, INDIA
- 4. Legal Aspects of Satellite Navigation:** Legal aspects of satellite navigation including air traffic services applications, are becoming ever more important with GALILEO shortly coming online, GPS being planned for modernization and Russia's efforts to bring GLONASS back to full operational status. Moreover, these developments take place in a broader context such as satellite communications and remote sensing (including geographical information systems). This session intends to address the legal issues involved both at the global and national levels. Chairs: A. Bhaskara Narayan, INDIA, and Stephen Doyle, USA/ Rapporteur: Suresh Kibe, INDIA
- 5. Other Legal Matters:** In this session, authors may address any other matters relating to the law of outer space, with special emphasis on recent developments. Chairs: Rajeev Lochan,

INDIA, and Nipant Chitasombat, THAILAND/
Rapporteur: Ranjana Kaul, INDIA

A **scientific/legal roundtable** with only invited papers will be held on remote sensing, "Google Earth et al. - Privacy and Secrecy Lost?"

Moot Finals & IISL Dinner: Our Board member Mr. KRS Murthi will coordinate with the Secretary and the LOC to make all the necessary arrangements. Work is already well under way.

CELEBRATION OF THE 50TH ANNIVERSARY OF THE SPACE AGE

In October 2007 we will celebrate the 50th anniversary of the Space age. Mr. Gerard Brachet, Chairman of COPUOS, plans to organise a high level event at the UN Headquarters, and similar events in other regions of the world. A Preparatory Committee was set up with representatives from IAF, COSPAR, IAA, IISL to reflect on this initiative.

Since in Hyderabad we will also celebrate our 50th Colloquium, as well as the 40th anniversary of the Outer Space Treaty and the 50th of the International Geophysical Year, IISL has started preparations and initiated a think tank, to which members are welcome to contribute.

ACTIVITIES/ PUBLICATIONS

- Proceedings Colloquia: The Proceedings of the Colloquium in Fukuoka have been published.

- Standing Committee on the Status of International Agreements Relating to Activities in Outer Space, the report will as usual be available at the Colloquium.

- The revision of our Statutes is being finalised and will be presented to the General Assembly in Valencia.

NEWS FROM MEMBERS

Board Member Prof Monserrat Filho from Brazil reported the following:

On 15 June 2006, UNCOPUOS approved as a new agenda item the Brazilian proposal on "International Cooperation in Promoting the Use of Geospatial Data for Sustainable Development". The main purpose is to obtain international recognition of the following ideas:

- 1) the creation of national capacity to capture, process, analyse and apply geospatial data became an indispensable integral factor in any program of national sustainable development;
- 2) international cooperation plays a prominent role in the creation of such capacity, as support to national efforts.

The experience of countries which emerged in the last two decades as effective users of geospatial data makes a compelling case for expanding international cooperation in the field. This notwithstanding, a larger swath of the globe

still lacks the human, technological and institutional capacity to benefit from the use of geospatial data. So, the international community should consider ways and means to foster the dissemination of such capacity, with a view to achieving its true universalization.

Recent experiences in developing countries have suggested that these countries wield a considerable market for services and products related to the use of geospatial data. That market remains, nevertheless, largely untapped, due to gaps in terms of awareness and capacity building. International cooperation in building up national capacity to use geospatial data can thus be expected to have a significant impact on the activities of companies developing and operating space based applications, increasing the demand for their services and products.

A growing recognition has emerged that the effectiveness of Earth observation systems in dealing with such global problems depends also on a consistent effort to integrate user communities on the country level into these systems, overcoming human, technological and institutional gaps hampering that goal. The implementation of regional or international Earth observation systems have, thus, a national dimension of its own.

The proposal includes a multi-year working plan:

- 2007 – Presentations by States and Observers, regional and international organizations and informal coordination groups on their respective activities related to geospatial information for sustainable development.

- 2008 - Expert presentations on experiences in the establishment of appropriate national infrastructure for geospatial data collection, processing and application, including human resource training, technical infrastructure and financial requirements, and institutional arrangements..

- 2009 - Evaluation of the activities undertaken within the UN system that are directly related to the use of geospatial information for sustainable development and consideration of ways to highlight the links amongst those activities and the means to give them stronger international recognition.

Board Member Dr. von der Dunk from the Netherlands reported the following:

The new book, 'Commercial Utilisation from a European Legal Perspective', edited by Frans von der Dunk and Marcel Brus, is a follow-up to a symposium organised early 2004 by the International Institute of Air and Space Law at Leiden University, in cooperation with the Meijers Research Institute and the European Centre for Space Law. It offers the first overview of applicable law and regulation which is not merely superficial, as well as some directions for future legislative and regulatory developments, written by a number of highly reputed experts in space

law. The analysis, finally, is with a clear focus on the European situation in view of the particularities which increasing ESA and EU involvement in space activities bring with them. The book, under no. ISBN 90 04 15256 3, is available in hardback version (xxx, 270 pp.) at a list price of EUR 125.- / US\$ 163.-. For further information on the book or the series please visit the website of the publisher, at www.brill.nl

HOW TO ORDER PROCEEDINGS

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

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.

The Fukuoka Proceedings are available at \$79.95 for members (excluding shipping charges).

**Some proceedings may be out of print.*