

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. 71 – FEBRUARY 2007

49th IISL COLLOQUIUM, 2-6 OCTOBER 2006, VALENCIA, SPAIN

The 49th IISL Colloquium was held from 2-6 Oct. 2006 in Valencia, Spain. Around 70 papers had been accepted for 5 sessions. About 15 papers were withdrawn, and 6 were summarized by others. The colloquium was well attended and discussion was good. Most papers and presentations had been uploaded to the central system. The following sessions were held:

1. Legal aspects of space transportation and launching

Chairs: Dr. A. Azcarraga, Dr. P. van Fenema,
Rapporteur: Ms. Petra Vorwig

2A. Legal aspects of disaster management

2B. Property rights on the Moon, legal issues

Chairs: Prof. S. Marchisio, Prof. J. Faraminan
Gilbert. Rapporteur: Dr. Sylvia Ospina

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

Chairs: Prof. J. Gabrynowicz, Prof. J. Monserrat.
Rapporteur: Dr. Martha Mejia-Kaiser

4. Space law at times of armed conflict

Chairs: Prof. R. Jakhu, Prof. J. Galloway.
Rapporteur: Ms. Kelly Gable

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

Chairs: Dr F. von der Dunk (replacing Mr. Ferrazzani), Dr. M^a del C. Muñoz Rodriguez,
Rapporteur: Mr. Ricky Lee

A **Scientific/Legal Roundtable** was held in Valencia on “Nuclear Power Systems in space – the new reality”.

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

IISL also organised a **Plenary Session** on the topic ‘Enabling the Frontier: Regulatory Challenges to the Utilization of Space’. It was organised and chaired by Mr. Chris Stott of ManSat. Dr. Mareni Pichler was rapporteur. Dr. F. von der Dunk addressed the legal part. A **late breaking news (LBN) event** on the new definition of planets was initiated by IISL and Dr. Perek and Dr. Tennen participated.

15th MANFRED LACHS SPACE LAW MOOT COURT COMPETITION 2006

The 15th Manfred Lachs Space Law Moot Court Competition was held during the Valencia IISL Colloquium. The *Case concerning the Sale and Operation of Certain Commercial Remote Sensing Satellites (Galatea v Thalassa: Proteus Intervening)* 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.

The final was hosted by the Supreme Court of Valencia. “Masia del Siglo XIX” was the elegant location for the dinner, attended by a record 180 guests.

The local organising committee, especially Ms. Esther Enjuto, managed to obtain a lot of support to sponsor our events. The local sponsors were:

- Generalitat Valenciana - Conselleria de Justícia, Interior y Administraciones Públicas
- Facultat de Dret, Universitat de València

- Universidad Nacional de Educación a Distancia (UNED) in Valencia
- University CEU-Cardenal Herrera, and
- Colegio Notarial de Valencia.

In addition, McGill IASL, ESA/ ECSL and JAXA sponsored the winners of the regional rounds, and DLR published the Brochure of the moot court.

Participation in the European round remains a concern. Participation in Canada will hopefully grow, and Mexican participation remains an objective for the near future. The Asia-Pacific round is an incredible success and keeps growing each year.

Results of the world finals:

- **Winner:** University of Auckland, New Zealand (James Townshend and Jonathan Orpin; Coach: Mr. Isaac Hikaka)

- **Runner-up:** Institute of Air and Space Law, McGill University (IASL), Montreal, Canada (Michael Taylor, Susan Trepczynski and Andrew Williams; Coach: Prof. Ram Jakhu)

- **2nd runner-up:** Catholic University, Leuven, Belgium (Emmanuel De Groof, Gareth Price and Batist Paklons; Coach: Dr. Walter Thiebaut)

- **Eilene M. Galloway Award** for Best Written Brief: Institute of Air and Space Law, McGill University

- **Sterns and Tennen Award** for Best Oralist: Mr Andrew Williams (Institute of Air and Space Law, McGill University)

Participants in the regional rounds

In North America:

- William and Mary School of Law (WMS)
- Golden Gate University School of Law (GGU)
- George Washington University School of Law (GWU)
- University of North Dakota - Department of Space Studies(UND)
- Georgetown University Law Center (GU)
- University of North Carolina School of Law (UNC)
- Santa Clara University School of Law (SCU)
- American University, Washington College of Law (AU)
- Institute of Air and Space Law, McGill University (IASL)
- Western New England College School of Law (WNE)

In Europe:

- Warsaw University Department, Institute of International Relations, Poland
- Katholieke Universiteit, Leuven, Belgium

- Leiden University, International Institute of Air and Space Law, Leiden, Netherlands
- Universidad de Jaén, Derecho y Administración y Dirección de Empresas, Jaén, Spain
- Université libre de Bruxelles, Belgium
- University of Bremen, Germany

In the Asia Pacific:

- University of Queensland, Brisbane
- Flinders University of South Australia, Adelaide
- University of Sydney, Sydney
- University of Technology, Sydney
- University of New South Wales, Sydney
- University of Melbourne, Melbourne
- China University of Political Science and Law, Beijing
- National Law School of India University, Bangalore
- University Law College, Bangalore
- M S Ramaiah College of Law, Bangalore
- University of Lucknow, Lucknow
- Gujarat National Law University, Gandhinagar
- Tamil Nadu Dr Ambedkar Law University, Chennai
- Hidayatullah National Law University, Raipur
- Mahatma Gandhi University, Ernakulam
- National Academy of Legal Studies and Research, Hyderabad
- Amity Law School, New Delhi
- West Bengal National University of Juridical Sciences, Kolkata
- Balaji Law College, Pune
- Indian Law Society Law College, Pune
- University College of Law, Dharwad
- Bangalore Institute of Legal Studies, Bangalore
- University of Delhi, Delhi
- National Law University, Jodhpur
- Guru Nanak Dev University, Jalandhar
- University of Mysore, Mysore
- Karnatak Lingayat Education Society Law College, Bangalore
- University of Mumbai, Mumbai
- Kerala Law Academy Law College, Thiruvananthapuram
- Dr Ambedkar Government Law College, Chennai
- Padjadjaran University, Bandung
- Parahyangan Catholic University, Bandung
- Aoyama Gakuin University, Tokyo
- Sophia University, Tokyo
- University of Kyoto, Kyoto
- University of Tokyo, Tokyo
- Waseda University, Tokyo
- University of Auckland, Auckland
- National University of Singapore, Singapore
- Chulalongkorn University, Bangkok

the winning paper gets a special mention in the Proceedings.

Contact details regional rounds:

- *North America:* Milton (Skip) Smith
SSMITH@sah.com
- *Europe:* Nawel Faye (new contact!)
Nawel.Faye@esa.int
- *Asia Pacific:* Ricky Lee
asiapacific@spacemoot.org

Judges for written briefs:

- Dr. Peter van Fenema, Adj. Professor, McGill Institute of Air and Space Law, Montreal / Consultant, The Netherlands
- Prof. Joanne Gabrynowicz, Director, National Remote Sensing and Space Law Center, University of Mississippi School of Law USA
- Prof. VS Mani, Director, Gujarat National Law University, India
- Dr. Martha Mejia-Kaiser, Independent researcher, Mexico
- Prof. Masami Onoda, Kyoto Univ. Graduate School of Global Environmental Studies, Japan
- Dr. Leslie Tennen, Law Offices of Sterns and Tennen,, Phoenix, AZ, USA

Judges for semi finals:

- Ms. Marcia Smith, Director, Space Studies Board, The National Academies, USA
- Dr. Olivier Ribbelink, Head, Research Department Public International Law, TMC Asser Institute, The Netherlands
- Prof. Steven Freeland, School of Law, University of Western Sydney, Australia

Judges for finals:

- H.E. Judge Abdul Koroma, ICJ
- H.E. Judge Peter Tomka, ICJ
- H.E. Judge Bernardo Sepúlveda, ICJ

AWARDS

During the IAF Banquet, a **Lifetime Achievement Award** was presented to Dr. Lubos Perek (Czech Republic), and a **Distinguished Service Award** was presented to Mr. Leslie Tennen (USA).

The **Dr. I.H.Ph. Diederiks-Verschoor Award and Prize** were given for the 6th time in Valencia, to Dr. Yun Zhao from City University in Hong Kong, for his paper "Protection of Intellectual Property Rights in Outer Space". The board of review consisted again of Prof. Back Impallomeni (Chair), Dr. Jakhu and Dr. Ospina. A total of 4 papers had been submitted. Visibility of the award has been increased by publication on the IAC website, possibility of online submission, and

ELECTIONS

The Nomination Committee consisted of Dr. van Fenema (Chair), Prof. Back Impallomeni, and Dr. Leslie Tennen. The terms of office of Dr. von der Dunk (Treasurer), Prof. Galloway, Dr. Kopal (Vice-President), Prof. Kosuge, Ms. Masson-Zwaan (Secretary), Prof. Monserrat, Mr. Murthi, Dr. Ospina, Ms. Smith (Vice-President), and Dr. Terekhov expired.

Ms. Marcia Smith (vice-president) had informed the Committee that, in view of a demanding new position, she has decided not to stand for re-election. Dr. Andrei Terekhov also informed the Committee that, in view of his increased workload, he had decided not to stand for re-election.

The Committee recommended that the following persons be elected: Dr. von der Dunk, Prof. Galloway, Prof. Kopal, Prof. Kosuge, Ms. Masson-Zwaan, Prof. Monserrat, Mr. Murthi, Dr. Ospina, Prof. Gabrynowicz, Prof. Kapustin.

- *Prof. Dr. Joanne I. Gabrynowicz* is Research Professor of Law, University of Mississippi School of Law, Director of the National Remote Sensing and Space Law Center at that University and Editor of the Journal of Space Law.

- *Prof. Dr. Anatoly Yakovlevich Kapustin* is Dean of the Law Faculty and Director of the International Law Institute of the People's Friendship University of Russia in Moscow, where he teaches international law, European Union law and international space law.

For Vice-President the Committee nominated Prof. Kopal and Prof. Galloway; for Secretary, Ms. Masson-Zwaan, and for Treasurer, Dr. von der Dunk.

The Committee lastly noted that all Directors are expected to give sustained and active support to the Board's activities through attendance of its meetings and otherwise.

The Assembly adopted the report by consensus.

The allotment of 2- and 3-year terms had the following result:

- o *Elected for a 2-year term:* Dr. von der Dunk, Ms. Masson-Zwaan, Prof. Monserrat, Prof. Kopal
- o *Elected for a 3-year term:* Prof. Galloway, Prof. Gabrynowicz, Prof. Kapustin, Prof. Kosuge, Dr. Ospina, Mr. Murthi.

New Board members Prof. Gabrynowicz and Prof. Kapustin were welcomed, and thanks were expressed for many years of faithful service to Ms. Marcia Smith and Dr. Terekhov.

NEW MEMBERS

The newly elected members are:

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THE EILENE M. GALLOWAY SYMPOSIUM ON CRITICAL ISSUES IN SPACE LAW

On December 11, 2006, this event was organised by the National Center for Remote Sensing, Air, and Space Law at the University of Mississippi School of Law, the Journal of Space Law, and the IISL, at the Cosmos Club in Washington DC. Speakers were Dr. Jonathan F. Galloway, Dr. Stephen Doyle, Dr. George Robinson, Dr. Rusty Schweickart and Ms. Corinne Jorgenson, and a Panel Discussion was moderated by Prof. Joanne Irene Gabrynowicz. Mrs Galloway was unable to attend in person, but a special video message by her was broadcast for the participants.

The Center will host "The 2nd Eilene M. Galloway Symposium on Critical Issues in Space Law" on December 10, 2007 at the Cosmos Club.

50TH ANNIVERSARY OF THE SPACE AGE, 40TH ANNIVERSARY OF THE OUTER SPACE TREATY, AND 50TH SESSION OF UNCOPUOS.

A celebration will be organised by IAF in cooperation with UNESCO, COSPAR, IAA and IISL, on Wednesday 21 March 2007, from 17:00 till 19:30 hrs at UNESCO in Paris. IISL Members are welcome to attend; please send an email to the Secretary before 20 February (an email about this event and the programme have been sent to the members).

UNCOPUOS SESSIONS, VIENNA, AUSTRIA, APRIL / JUNE 2007

IISL members may again be appointed as official **IAF observers** for the Legal Sub-Committee (26 March - 5 April 2007) and/or the Plenary Session (6-15 June 2007). Please contact the Secretary **before 9 February 2007** if you would like to serve as an observer in Vienna (a separate email about this has been sent to the members).

IISL and ECSL will again organize a **Symposium for LSC delegates** on **26 and 27 March 2007** on Capacity Building in space law. The programme is currently being planned. Members interested to contribute are requested to contact the Secretary without delay.

50th IISL COLLOQUIUM, 24-28 SEPT. 2007 (THEME: TOUCHING HUMANITY: SPACE FOR IMPROVING QUALITY OF LIFE)

The following IISL sessions will be held:

E6.1. 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, Antrix Corp., Bangalore, krs@antrix.org

Gabriella Catalano Sgrosso, University of Rome "La Sapienza", gab.sgrosso@alice.it

Rapporteur: V. Gopala Krishnan, ISRO, gopal@isro.gov.in

E6.2. 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, ISRO, mys@sac.isro.gov.in

Frans von der Dunk, International Institute of Air & Space Law, Leiden University, f.g.vonderdunk@law.leidenuniv.nl

Rapporteur: Partha Sarathi Datta, Antrix Corp., datta@antrix.org

E6.3. 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, Gujarat National Law University, vsmani2002@hotmail.com

Kai-Uwe Schrogl, DLR, kai-uwe.schrogl@dlr.de

Rapporteur: Mukund Rao, ISRO, mukundr@blr.vsnl.net.in

E6.4. 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, ISRO, bhaskaranarayana@yahoo.com

Stephen Doyle, Clean Energy Systems, sedoyle@cleanenergysystems.com

Rapporteur: Suresh Kibe, svkibe@isro.gov.in

E6.5. 40th Anniversary of the Outer Space Treaty, and other legal matters

In this session, authors are invited to write papers focusing on the 40th Anniversary of the Outer Space Treaty, not only looking back but also discussing its values for the future of space activity. They may also address any other matters relating to the law of outer space, with special emphasis on recent developments.

Chairs: Rajeev Lochan, ISRO, lochan@isro.gov.in

Nipant Chitasombat, chitasombat@yahoo.com

Rapporteur: Ranjana Kaul, Dua Associates, ranjanakaul@duaassociates.com

In Hyderabad, the IISL will celebrate its 50th Colloquium, as well as the 40th anniversary of the Outer Space Treaty and the 50th of the International Geophysical Year (IGY). IISL may organise a one day event prior to the IAC. Ideas are to be finalised.

A **Scientific/Legal Roundtable** will be held in Hyderabad on "Google Earth et al. – Pros and cons of easier access to satellite images". Chairpersons will be W. Mendell and F. von der Dunk.

IISL has also proposed a **Plenary Session** which has been accepted. It will address "New Space Industry Actors in the Global Market Place; Policy and Regulatory Aspects" and will be organised by Dr. Werner Balogh.

Procedure for abstract submission:

All authors must submit an abstract; this must be done ONLINE, at www.iac-paper.org

Please enter as a new or existing user and follow the instructions.

ABSTRACTS MUST BE SUBMITTED AT WWW.IAC-PAPER.COM BY 1 MARCH 2007

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

Note: Consideration is being given as to how best to strengthen the Colloquia sessions, and any changes will be announced in next Newsletters.

16th MANFRED LACHS SPACE LAW MOOT COURT COMPETITION 2007

The semi finals and finals of the 16th Manfred Lachs Space Law Moot Court Competition will be held during the 2007 Colloquium in Hyderabad. The arrangements for the moot court are being put in place by a local committee, in which representatives of the Local Organizing Committee take part along with IISL members from India. The *Case Concerning International Liability (Emeralda v Mazonia)* was written by Jean-François Mayence and David Sagar. 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

51st IISL COLLOQUIUM, GLASGOW, 29 SEPT. – 3 OCT. 2008

The Board will decide on session topics at its Spring Meeting. *Suggestions are most welcome and should be sent to the Secretary before 10 March 2007.*

Work has already started to prepare the meetings in Glasgow, with the help of the LOC, Prof. Francis Lyall and Prof Jane Smith.

The 17th Manfred Lachs Space Law Moot Court Competition will be held in Glasgow in 2008. Preparations for the case for 2008 are underway, and will be written by the North American region.

REGISTERING THE IISL AS AN ASSOCIATION

The proposed amendment of the Statutes, necessary to comply with Dutch law in order to register the Institute in the Netherlands, was sent to all members. On the condition that appropriate insurance cover will be bought to cover the liability of Officers under the new Statutes, and that a provision to this effect will be included in the new Bye-Laws, the General Assembly in Valencia adopted the proposal by consensus, and gave a mandate to Dr. Frans von der Dunk to take all necessary action to finalise the registration, including signing all the necessary documents and agreements without further delay.

Dr. Ospina will chair a new committee, with participation for the other committee members as before (Dr von der Dunk, Prof Kopal and Prof Lyall), to look at the Bye-Laws and other issues that may need updating, after registration has been realised.

ACTIVITIES/ PUBLICATIONS

- Proceedings Colloquia:

The Fukuoka volume has been published by AIAA. Our publication contract with AIAA has been renewed up to and including the publication of the proceedings of the 2010 Colloquium. Corinne Jorgenson will continue to coordinate publication of the proceedings of Valencia, which will be dedicated to Mrs Galloway on the occasion of her 100th birthday.

- Proceedings India Conference: ISRO has published the Proceedings of the conference held in Bangalore in 2005.

- Summary Report of the McGill Workshop: The McGill Institute of Air and Space Law has published a summary report of the "IASL-IISL International and Interdisciplinary Workshop on Policy and Law Relating to Outer Space Resources: the Example of the Moon, Mars and Other Celestial Bodies", held in June 2006 in Montreal. McGill will also publish the proceedings of the Workshop.

- Proceedings of the Bangkok regional space law conference: The McGill Institute of Air and Space Law will publish the proceedings of this IISL regional conference, held in August 2006 in Bangkok, Thailand.

- 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/univelpubs/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. Ingo Baumann.

- Report of IISL activities to COPUOS LSC: the Secretary will prepare this report.

- New Membership list:

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

DUES

An invoice for membership dues for 2007 (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 have been moved to the list of former members by decision of the Board.

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 1 June 2007. The Board reserves the right to decide what information will be published.

Prof Hobe reported the following:

COCOSL (Cologne Commentary on Space Law) - the Comprehensive Guide to Space Law

The Institute of Air and Space Law of the University of Cologne and the German Aerospace Centre (DLR) are launching a new joint project to continue their successful cooperation within Projects 2001 and 2001 Plus: "CoCoSL – The Cologne Commentary on Space Law". CoCoSL is inspired by the voluminous body of international space legislation (in more recent times complemented by national space laws) during fifty years of space flight. Starting in January 2007, the start of the project coincides with the fortieth anniversary of the *Magna Carta* of space law, the 1967 Outer Space Treaty. Taking into account that a comprehensive commentary on outer space legislation is lacking up till now, the project will be concerned with an elaboration of the first provision-by-provision commentary on the five United Nations outer space treaties and the associated UN General Assembly resolutions. Thereby, a comprehensive guide to present-day space law will be provided. The final publication shall consist of two volumes (all in English): Volume I dealing with the 1967 Outer Space Treaty, Volume II with the other UN treaties on outer space and the respective UN GA resolutions. Moreover, the Commentary shall be composed so as to comprise a wide range of internationally recognized authors. Accompanying the annotation, workshops are planned so as to offer the opportunity to exchange views on selected issues. As its predecessors, the project will run for five years. For further information on CoCoSL, please consult the Institute of Air and Space Law's website at <http://www.ilwr.de> (includes contact details).

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.

**Some proceedings may be out of print.*