

INTERNATIONAL INSTITUTE OF SPACE LAW

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INTRODUCTION

The Board of Directors met on March 22nd, 2009 in Vienna. The deliberations and decisions of the Spring Meeting are reflected in this Newsletter.

IN MEMORIAM EILENE M. GALLOWAY

It is with great sadness that the International Institute of Space Law notes the passing of Eilene Marie Galloway on 2 May 2009. Dr Galloway worked for several decades for the Congressional Research Service of the United States Library of Congress. She has been pivotal in helping to write the NASAct, emphasizing international cooperation and peaceful exploration. She also worked with UNCOPUOS, and was instrumental in creating the IISL. She was Vice President of the IISL between 1967 and 1979, becoming the Institute's Honorary Director after that. She received the Andrew Haley Gold Medal in 1968 and the IISL's Lifetime Achievement Award in 1990.

In her name, the International Institute of Space Law created the *Eilene Galloway Award for Best Written Brief* in the Manfred Lachs space law moot court competition from 2000 onwards and since 2006, the *Eilene Galloway Symposium on critical issues in space law*.

The Institute availed of her valuable advice until her passing. As IISL Emeritus President Prof. Isabella Diederiks-Verschoor wrote in her tribute to Eilene Galloway in the 2006 IISL Proceedings: "She has lived her life of distinguished service to the U.S. and to the Space World and has been an inspiration to us all, and above all a reliable friend."

See the [Book of Memorial Tributes](#) on the IISL website. This document is also published in the Proceedings.

STATEMENT OF THE BOARD OF DIRECTORS

The Board of Directors adopted a new Statement on the issue of private property rights on the Moon and other celestial bodies. The Statement was adopted by consensus on March 22nd.

COSPAR, IAA and IAF officially endorsed the Statement. The adoption was announced during the IISL/ECSL Symposium at the UNCOPUOS Legal Subcommittee. The [Board Statement](#) is published on the Institute's website.

EILENE M. GALLOWAY SYMPOSIUM ON CRITICAL ISSUES IN SPACE LAW

The 3rd Eilene Galloway Symposium was held in Washington DC on 11 December 2008, on the topic 'Article VI of the Outer Space Treaty: Issues and Implementation'. It was a very successful event. There were representatives from 5 countries, 6 members of the Board participated in the symposium. A report and several of the papers presented will be published in the IISL proceedings. This year, Arianespace Inc. contributed as a sponsor, for which the Institute is most grateful.

The [4th Eilene Galloway Symposium](#) will take place on 10 December 2009, as usual in the Cosmos Club in Washington DC, The topic is "International Cooperation for Peaceful Purposes".

52ND COLLOQUIUM IN DAEJEON, KOREA, 12-16 OCTOBER 2009

Sessions:

The 52nd IISL Colloquium will be held from 12-16 October 2009, in Daejeon, Korea, in conjunction with the 60th International Astronautical Congress.

The IISL will hold 5 sessions, in which two of the initial topics will be combined into one session (the topics of sessions 3 and 5).

The first session has two innovative aspects. First, it will host the first 'Nandasiri Jasentuliyana Keynote Lecture', which will be delivered by Prof. Vladlen Vereshchetin, former Judge in the International Court of Justice and Honorary Member of the IISL Board. The topic of his lecture is "The Law of Outer Space in the General Legal Field (Commonality and Particularities)".

The other innovation is that the IISL will, after this keynote lecture, welcome young scholars to present their views on "Future Challenges and

Potential Solutions” in the field of space law. Authors under 35 years old will present their papers in this session, and of course they will all compete for the “Isabella H.Ph. Diederiks-Verschoor Award” for best paper by a young author.

The following are the session topics (each session has an average of 12 accepted papers):

Session E8.1: ‘Nandasiri Jasentuliyana Keynote Lecture on Space Law & 1st Young Scholars session’ (Chairs: S Hobe/T. Masson-Zwaan)

Session E8.2: ‘Peace in Space: Transparency and Confidence Building Measures’ (Chairs: S.M. Rhee, S. Marchisio)

Session E8.3 & E8.5: ‘Third party liability issues in commercial space activities’ (Chairs T. Kosuge and D.H. Kim) AND ‘Legal challenges to Earth observation programs with particular emphasis on developing countries’ (Chairs J. Monserrat, KRS Murthi)

Session E8.4: ‘Legal Mechanisms for Encouraging Space Commerce’ (Chairs R. Jakhu, S. Mosteshar)

Session E8.6: ‘Recent Developments in Space Law’ (Chairs E. Back Impallomeni, H. Zhao)

- Session E3.5: 24th IAA-IISL Scientific-Legal Roundtable: Assessing Commercial Human Spaceflight

The roundtable in Glasgow last year was a great success with over 50 attendees. The IISL President and IAA Secretary General attended and made introductory remarks. The Roundtable is not a technical session but an interdisciplinary event where there are fewer papers and more discussion. IISL members are strongly encouraged to participate in the Roundtables.

- PE9: Plenary event: Achieving a Sustainable Space Environment for Future Space Activities

Ray Williamson will moderate the panel. IISL member Richard DalBello (Intelsat) will address legal issues.

Summary meeting and social event schedule

Note: those wishing to attend the moot court finals and IISL dinner must notify the IISL assistant secretary before 1 October by email at kwa@bcr-dc.com. Details about timing, transportation etc, will be provided in Korea.

- Monday 12/10, 1-4 pm, Board room: Board of Directors meeting

- Tuesday 13/10, 10 a.m.: E8.1

- Tuesday 13/10, 2-4 p.m.: moot court semi final (closed session at Solomon Law Park)

- Tuesday 13/10, 3 p.m.: E8.2

- Wednesday 14/10, 10 a.m.: E8.3 & 5

- Wednesday 14 p.m.: IISL General Assembly (same room as session)

- Wednesday 14/10 3 p.m.: E8.4

- Thursday 15/10, 10 a.m.: E3.5

- Thursday afternoon (Solomon Law Park): Moot Court finals

- Thursday evening (Daejeon Museum of Art): IISL dinner

- Friday 16/10, 9-10 a.m., PE9

- Friday 16/10, 10 a.m.: E8.6

- Friday evening: IAF Closing Banquet (IISL tables will be reserved for members with tickets)

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

The [Prof. Dr.I.H.Ph. Diederiks-Verschoor Award and Prize](#) for best paper by a young author will be given in Korea. The Board of Examiners consists of Prof. Back Impallomeni, Prof. J. Monserrat Filho and Prof. J. Galloway. This year, six papers have been submitted. Prof. Back Impallomeni sponsors the €500 prize and Prof. Fernandez Brital provides the medal (*Note: in 2008 the Award was not given for lack of sufficient entries.*)

Practical information

Written papers

All authors have been informed whether their paper was accepted. Detailed instructions can be downloaded from the IAF website, www.iafastro.org. 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 21, 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:

Corinne C. Jorgenson, Editor, IISL Proceedings

10509 Center Street, #100

Fairfax, VA 22030 - USA

Tel: 703-655-3813, Fax: 703-352-3000

secretary@iislweb.org

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 **practical** information on the Daejeon Congress visit <http://www.iac2009.kr>.

For information about the **programme**, see the minisite: <http://www.iafastro.com/?title=IAC2009>

18TH MANFRED LACHS SPACE LAW MOOT COURT COMPETITION

The World Finals of the 18th [Manfred Lachs Space Law Moot Court Competition](#) will be held during the Daejeon Colloquium. The winners of the three regional rounds will address the "Case concerning the Deployment and Use of Force in Low Earth Orbit (Fornjot v. Telesto)". Semi-finals will be held on Tuesday 13 October (a CLOSED session) and the Finals will be held on Thursday 15 October 2009 in the afternoon, both at the Solomon Law Park in Daejeon, Korea. Three Judges of the International Court of Justice will judge the Finals. The Sterns and Tennen award for Best Oralist, the Eilene M. Galloway Award for Best Brief, the Manfred Lachs Trophy and the Lee Love Award for the winning team, and, this year only, the Korean Minister of Justice Award for the 2nd Best Team, as well as various plaques and certificates will be awarded.

For the **European** round, 9 teams participated in Athens, Greece. In the **Asia Pacific** round, 26 teams took part in Sydney, and a domestic funding round was held in India. In **North America**, 8 teams competed in Washington, DC.

The names of all participating universities, as well as the Judges of the written briefs, of the semi finals and of the finals will be listed in the Moot Court Brochure that will be made available in Korea.

The winners of the preliminary rounds are:

- National Law School of India University, Bangalore, (India)
- University of Strathclyde (UK)
- Georgetown University, Washington DC (USA)

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 to present the following [IISL Awards](#) in Korea. A Distinguished Service Award will be presented to *Prof. Stephan Hobe* and a Lifetime Achievement Award will be given to *Judge Vladlen Vereshchetin*.

ELECTIONS

The term of the following directors expires in Korea: Prof. J. Gabrynowicz, Prof. J. Galloway (vice-president), Prof. A. Kapustin, Prof. T. Kosuge, Dr. KRS Murthi, Dr. S. Ospina and Prof. M. Williams

The Nomination Committee consisting of Dr. Van Fenema (Chair), Dr. S. Freeland and Prof. Monserrat will give its report in Korea.

The Board approved the appointment of a new Assistant Secretary, Mr. Karl Abendschein and an Assistant Treasurer, Ms. Axelle Cartier. These are non-Board positions, on appointment by the Board for a period of two years.

NEW MEMBERS

The following individual members were elected in October 2008 and in March 2009:

Institutional members:

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UNCOPUOS

IISL/ECSL Symposium

On the occasion of the 48th Session of the Legal Subcommittee of the UNCOPUOS in March 2009, the IISL and ECSL organized the annual [Space Law Symposium](#) for delegates and staff of the Legal Subcommittee. This year the topic was "The 30th Anniversary of the Moon Agreement: Retrospect and Prospects."

In March 2010, the IISL and ECSL will again organise a symposium for delegates and staff of the Legal Subcommittee.

Report on activities

IISL was again invited by the UN to present a report on its activities to the COPUOS. The report was written and presented by the President.

UN Highlights in Space Report

In December 2009, the IISL submitted its contribution to the UN Highlights in Space report. Dr. Sylvia Ospina edited the report, with help from various other members of the Institute. The report for 2009 is currently being prepared,

53RD COLLOQUIUM IN PRAGUE, CZECH REPUBLIC, 27 SEP. – 1 OCT. 2010

Session Program

Note: Members interested in any rapporteur position, should contact the Secretary before October 8th.

The following sessions topics were decided:

E8.1: Nandasiri Jasentuliyana Keynote Lecture on Space Law & Young Scholars Session

In the first part of this session, the IISL will invite a prominent speaker to address the members of the Institute and other congress attendants on a highly topical issue of broad interest. The second part of this session will be especially dedicated to the space lawyers of the future, in that young scholars (under 35 years old) are invited to present a paper on "Space Law – Future Challenges and Potential Solutions" but the IISL is also open to other topics. Note: All young scholars are requested to submit their paper to THIS session ONLY.

Chairs: Prof. Kopal, T. Masson-Zwaan,
Rapporteur: TBD

E8.2: 30 Years of the Moon Agreement: Perspectives

For this session, papers are invited to analytically address the future perspectives of the Moon Agreement, which celebrated its 30th anniversary in 2009. Papers may thus critically analyze (a) recent developments in COPUOS, such as the 2008 'joint statement' by several states parties on the benefits of adhering to the Agreement, (b) the future design, adoption and implementation of an international regime to govern the exploitation of the natural resources of the celestial bodies 'as such exploitation is about to become feasible', (c) the reasons for the timid support for the Agreement from the international community, and (d) issues concerning the protection of the Moon environment and of other celestial bodies. The question of how exploitation of moon resources

relates to the non-appropriation principle as well as the Common Heritage of Mankind principle may also be critically scrutinized.

Chairs: Dr. M. Hoffman, Prof. M. Williams,
Rapporteur: TBD

E8. 3: Legal Aspects of Space Security

Recent anti-satellite tests and the EU Proposal for a Code of Conduct for Outer Space Activities of December 2008 as well as other initiatives like the Russian-Chinese proposal for a treaty demilitarizing outer space ('Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use Of Force Against Outer Space Objects'), together with the collision of a Russian defunct satellite with an operational US Satellite in early 2009, sparked broad international debate amongst experts and decision-makers alike. Papers in this session are invited to analyze the legal aspects related to the need for keeping space safe for civilian as well as military operations avoiding the weaponization of space at the same time. Papers are also encouraged to address the most recent proposals in this context and to present ideas for the further development of space law addressed to the relevant international forums.

Chairs: Dr. K-U Schrogl, Judge Vereshchetin,
Rapporteur: TBD

E8. 4: Current Status of the Rule of Law with regard to Space Activities

Since the adoption of the Moon Agreement in 1979, no other international treaties have been adopted in the United Nations. Rather, first a number of United Nations General Assembly Resolutions on Direct Broadcasting Satellites, Remote Sensing, and Nuclear Power Sources were adopted concerning certain areas of uses in outer space. Thereafter, other United Nations General Assembly Resolutions served the purpose of making more concrete certain aspects of international space legislation, such as Article I paragraph 1 of the Outer Space Treaty with the Space Benefits Declaration, or the notion of Launching State in the Liability Convention and the Registration Convention, etc. Against this background, in light of the most recent development of the UN Space Debris Mitigation Guidelines, papers are invited to discuss the current status of the rule of law with regard to outer space activities. (Generally, the "rule of law" means that the law must be prospective, well-known, and have characteristics of generality, equality, and certainty).

Chairs: Prof. S. Hobe, Amb. P. Jankowitch,
Rapporteur: TBD

E8. 5: Recent Developments in Space Law

In this session, papers are invited to address legal aspects of the most recent developments in space activities that have taken place since the

other session topics have been determined, i.e. since March 2009 only. In addition, papers are invited to address two special issues. Firstly, this concerns the legal aspects of Solar Power Satellites. In this field several high-level technical studies are currently conducted to assess whether such satellites can operate within the existing international regulatory regime and whether such regime is conducive to this newest space application. Secondly, papers are invited to address the ongoing developments and progress in the context of international Intergovernmental agreements on space cooperation and space activities, such as the Agreement on the International Space Station or agreements pertaining to international satellite organizations like ITSO, IMISO, EUTELSAT IGO or ARABSAT.

Chairs: Prof. F. Von Der Dunk, Mr. KRS. Murthi, Rapporteur: TBD

Abstracts must only be submitted online before 5 March 2010 (see www.iafastro-org).

Plenary Session

A plenary session is being coordinated by Mr. Mark Williamson on 'Protecting the Space Environment'. The draft proposal has received the endorsement of the IAF and IISL Presidents, the IPC Chairman for IAC 2010, and the Chairman of IAA Commission V. Prof. Mahulena Hofmann will speak on legal issues.

25th IAA-IISL Scientific/Legal Roundtable

The IAA-IISL Scientific/Legal Roundtable will be held on the topic "New Age of Earth Observation Satellite Missions." A joint publication by the IAA and IISL celebrating the 25th Anniversary of the Roundtable is being considered.

Moot Court – IISL Dinner

The world finals of the 19th Manfred Lachs Space Law Moot Court Competition will be held in Prague. The [Problem](#) for 2010, titled "Case concerning Suborbital Tourism, Definition of Outer Space and Liability (Aspirantia v. Republica)" has been released on the moot court website, www.spacemoot.org.

The Local Organising Committee has among its members our Vice President Prof. V. Kopal, as well as our long-time members Dr. Perek and Prof. Hofmann. The IISL will liaise with the LOC to assist them in making the arrangements, which are already well advanced. Funding is still being sought for the IISL dinner and moot court.

PUBLICATIONS / COMMITTEES

IISL Proceedings

The Board has decided to change the title of the IISL Proceedings publication to 'Proceedings of the International Institute of Space Law (year)'. This new title better reflects the value of the book

and its contents, since for many years now, it covers much more than 'only' the colloquium papers. For clarity, all major events covered in the book have been listed on the second page of the book.

The Proceedings of the Colloquium held in Glasgow have been published. An [order form](#) is available on the IISL website. Reduced prices apply for AIAA and IISL members.

Committees

The IISL Standing Committee on the Status of International Agreements relating to activities in Outer Space continues its useful work. Dr. A. Terekhov chairs the standing Committee.

The [Reports](#) of this committee are published in the Proceedings of the Colloquia and on the website of the Institute.

STATUTES

A small committee of the Board has finalised their report on suggested amendments to the Statutes, and the Board has approved it. These amendments will be brought to the General Assembly in Daejeon for a vote.

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 \$180 (US) for non-members.

The Glasgow Proceedings are available at \$89.95 for members and \$ 180 for non-members, excluding shipping charges.

See <http://www.iislweb.org/proceedings.html> for an order form.

**Some proceedings may be out of print.*