

# INTERNATIONAL INSTITUTE OF SPACE LAW

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## NEWSLETTER No. 76 - MARCH 2010

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### GENERAL INFORMATION

#### **Statutes Amendment**

A committee of the Board finalised its report on suggested amendments to the Statutes and Bye-laws of the Institute in March 2009. After approval by the Board of Directors, these amendments were adopted by the General Assembly in Daejeon, Korea in October 2009. The new Statutes are published on the IISL website.

#### **Awards 2009**

In Korea, a *Lifetime Achievement award* was presented to Judge V. Vereshchetin, “in recognition of his distinguished service as Judge of the ICJ, his outstanding services as representative of the USSR to the UNCOPUOS; as a distinguished scholar, author and lecturer in space law and policy; his notable services as Vice President of INTERCOSMOS; and his continual extraordinary services as a leader and guide to the IISL as a member, Vice President, member of the Board of Directors, and a judge in the Manfred Lachs Space Law Moot Court Competition”.

A *Distinguished Service Award* was given to Prof. S. Hobe. “in recognition of his distinguished services to the IISL as a member of the Board of Directors; as initiator and Chairman of the Institute’s Directorate of Studies; member of several study groups, chairman of symposia sessions; and judge of the Manfred Lachs Space Law Moot Court Competition. The Institute acknowledges also his outstanding work in the field of space law as author and lecturer; as Director of the University of Cologne Institute of Air and Space Law; as a member of the Board of the ECSL; and as Rapporteur of the Space Law Committee of the ILA”.

A new category of awards, the *Certificate of Appreciation*, was approved by the Board in Korea, and the first of these was given to Ms Annie Moulin, Deputy Executive Director of the IAF, who is retiring this year, for her invaluable services to the IISL over almost 20 years.

Lastly, the *I.H.Ph. Diederiks-Verschoor Award and Prize* for best paper by a young author was

given to Ms. Catherine Doldirina of McGill University, on the topic: “A rightly balanced intellectual property rights regime as a mechanism to enhance commercial earth observation activities.” She received the medal and prize during the IISL Dinner.

#### **Elections 2009**

##### *Directors*

The term of the following directors expired in 2009: 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 Nominating Committee was composed of Dr. Peter van Fenema (Chair), Prof. José Monserrat and Prof. Steven Freeland. The Committee advised to re-elect all the above and to elect two additional persons to fill the new Board positions that had been created as some regions are not well represented and there is an under-representation of certain professional groups.

During the General Assembly, an additional proposal was made from the floor. Consequently, a vote was held, and the following persons were elected to the Board for a three year term: Prof. J. Gabrynowicz, Prof. J. Galloway, Prof. A. Kapustin, Prof. T. Kosuge, Dr. KRS Murthi, Dr. S. Ospina, Prof. S.M. Rhee, Prof. M. Williams, and Prof. Haifeng Zhao. Prof. Galloway was elected by consensus as Vice-President.

The Board welcomes all re-elected and newly elected Board members.

##### *Members*

The Board approved the nomination of the following new members to the IISL:

BANK, Mr. Cristian  
EADS Astrium  
Stuckenborsteler Straße 15  
28237 Bremen, Germany  
[cristian.bank@astrium.eads.net](mailto:cristian.bank@astrium.eads.net)

DODGE, Mr. Michael

The University of Mississippi School of Law  
613 S. Forest Ave.  
Long Beach, MS 39560, USA  
[lexspatialis@gmail.com](mailto:lexspatialis@gmail.com)

HARILLO Gomez Pastrana, Mr. Rafael  
Illustre Col·legi d'Advocats de Barcelona  
Pau Claris N° 95, 4º.-2ª  
8009 Barcelona, Spain  
[harillo@icab.es](mailto:harillo@icab.es)

KERREST, Prof. Armel  
*Faculté de Droit de Brest* 7 rue du Clayo  
56610 Arradon, France  
[Armel.Kerrest@univ-brest.fr](mailto:Armel.Kerrest@univ-brest.fr)

WHITE, Mr. Harold  
University of West Florida  
8797 Meadowbrook Drive  
Pensacola, FL 32514, USA  
[hwhite@uwf.edu](mailto:hwhite@uwf.edu)

The newly elected members who were present in Daejeon received their membership pin, and all were warmly welcomed to the Institute.

## IISL CONFERENCES AND EVENTS

### **2009 Eilene M. Galloway Symposium on Critical Issues in Space Law**

The 4<sup>th</sup> Eilene Galloway Symposium, organized by the University of Mississippi National Center for Remote Sensing, Air, and Space Law and the IISL was held in Washington DC on 10 December 2009, on the topic 'Peaceful Uses of Outer Space'. It was a very successful event. A report and several of the papers presented will be published in the IISL proceedings.

### **18<sup>th</sup> Manfred Lachs Space Law Moot Court Competition 2009**

The World Finals of the 18<sup>th</sup> [Manfred Lachs Space Law Moot Court Competition](#) were held during the Daejeon Colloquium. The winners of the three regional rounds addressed the "Case concerning the Deployment and Use of Force in Low Earth Orbit (Fornjot v. Telesto)". Semi-finals were held on Tuesday 13 October (a closed session) and the Finals were held on Thursday 15 October 2009 in the afternoon, both at the Solomon Law Park in Daejeon, Korea.

The Institute was again honoured by the presence of three Judges of the International Court of Justice, as Judges Koroma, Tomka and Skotnikov judged the Finals.

The written briefs had been judged by Dr. Peter van Fenema (The Netherlands), Prof. Steven Freeland (Australia), Dr. Martha Mejia-Kaiser (Germany/Mexico), Dr. Sylvia Ospina (Colombia/USA), Ms. Marcia Smith (USA) and Prof. Haifeng Zhao (China).

The case for 2009 was written by Mr. Ricky Lee.

Prof. Stephan Hobe, Prof. Ram Jakhu and Prof. Sang-Myon Rhee judged the semi-finals.

The arrangements for the moot court were put in place by a local committee, in which representatives of the Local Organizing Committee took part, along with IISL members Prof. Kim, Prof. Rhee, and Prof. Hong.

The IISL Dinner was held in the Daejeon Museum of Art and was attended by some 170 members, authors, and guests.

The following organizations supported the events:

- Local arrangements and IISL Annual Dinner: IAC Local Organising Committee and Kyeryong Construction Co.
- North American Finalist sponsor: Association of US Members of the IISL (AUSMIISL) and Secure World Foundation
- Asia Pacific Finalist sponsor: Japan Aerospace Exploration Agency (JAXA)
- European Finalist sponsor: European Centre for Space Law, ECSL
- Book awards: Martinus Nijhoff Publishers

The IISL is most grateful to all these generous sponsors and individuals.

The results of the World Finals were as follows:

- Winning team/Lee Love Award: National Law School of India University, Bangalore, India (Ms Raeesa Vakil, Mr Abhimanyu George Jain and Mr Shwetank Ginodia; Coach: Dr Sairam Bhat)
- Runner-up/ Korean Minister of Justice Award: Georgetown University, Washington DC, USA (Ms. Christina Calce and Ms. Lorinda Laryea; Coach: Prof. Paul Larsen)
- Second runner-up: University of Strathclyde, UK (Ms. Emma Boffey, Ms. Laura Mackenzie and Mr. Stephen Donnelly; Coach: Ms. Aimée Asante)
- Sterns & Tennen Award for Best Oralist: Ms Raeesa Vakil, National Law School of India University, Bangalore (India)
- Eilene Galloway Award for Best Brief: Georgetown University, Washington DC (USA)

**53rd Colloquium in Prague, Czech Republic,  
27 Sep. – 1 Oct. 2010**

*Session Program*

**Note: Members interested in a rapporteur position should contact Corinne Jorgenson, Executive Secretary before March 25<sup>th</sup>.**

The following sessions will be held:

E7.1: 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

E7.2: 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

E7.3: 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, Mr. R. Lee

E7.4: 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. Jankowitsch

E7.5: 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, IMSO, EUTELSAT IGO or ARABSAT.

Chairs: Prof. F. von der Dunk, Mr. KRS. Murthi

B3.8: Joint IAF-IISL session on Legal Framework for Collaborative Human Space Missions

This session invites discussions around topics related to the legal aspects of international

collaboration in future human space missions and programs such as the ISS lifetime extension, post ISS activities in LEO, or the Lunar Exploration. The scope encompasses both inter-agency as well as industrial collaboration. The session shall provide a forum to discuss the regulatory framework to establish and effectively run these programs through development and operation phases especially, but not exclusively, from an industrial point of view. In addition, the session will address current tendencies to extend the duration and partnership of the ISS program and lessons learned in the legal domain from collaborative programs such as the built-up phase of the ISS, Interkosmos, or the Shuttle-Spacelab program.

Co-Chairs: Cristian Bank (IAF), Prof. Lesley J. Smith (IISL); Rapporteur: Mark Hempzell

As communicated by email to all members, the online abstracts submission deadline was 5 March 2010.

#### *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." This session has only invited papers. A joint publication by the IAA and IISL celebrating the 25<sup>th</sup> Anniversary of the Roundtable is being considered.

#### *Moot Court – IISL Dinner*

The world finals of the 19<sup>th</sup> Manfred Lachs Space Law Moot Court Competition will be held in Prague. The [Problem](#) for 2010, is titled "Case concerning Suborbital Tourism, Definition of Outer Space and Liability (Aspirantia v. Republica)" and is available on the moot court website, [www.spacemoot.org](http://www.spacemoot.org). Preliminary competitions will be held in Europe, North America and the Asia Pacific.

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 and members willing and able to help us out by serving as a co-sponsor are very welcome!**

#### **50<sup>th</sup> Anniversary of the IISL**

This year, the IISL is celebrating its 50th anniversary. For this occasion, the Institute is planning the following:

- The 1972 book by Judge Manfred Lachs will be republished ("The law of outer space, An experience in contemporary law-making");
- A book on the IAA-IISL Roundtable, celebrating also the 25<sup>th</sup> anniversary of

the roundtable, is being prepared in cooperation with the IAA;

- The 1<sup>st</sup> IISL-IAA Conference on "Space Law and Policy" will be held in Washington DC, USA on May 12, to kick-off the 50<sup>th</sup> Anniversary of both organizations (see below)

#### **IISL/ECSL Space Law Symposium, COPUOS, 22 March 2010**

On the occasion of the 49th Session of the Legal Subcommittee of the UNCOPUOS in March 2010, the IISL and ECSL will organise the annual Space Law Symposium for delegates and staff of the Legal Subcommittee. The topic is "National Space Legislation – Crafting Legal Engines for the Growth of Space Activities.". The papers will be published in the 2010 IISL Proceedings. The programme is on the website.

#### **ISPRS/ESPI/IAA/IISL Conference on Current Legal Issues for Satellite Earth Observation, 8-9 April 2010**

The IISL has agreed to act as a supporting organization of this conference, taking place on 8-9 April 2010 at ESPI in Vienna. The programme is on the website.

#### **1<sup>st</sup> IISL-IAA Conference on "Space Law and Policy", 12 May 2010**

This first IISL-IAA conference on Space Law and Policy will be held in Washington DC, on May 12, 2010. It celebrates the 50<sup>th</sup> anniversary of both organisations and is being organized by Corinne Jorgenson, Kai-Uwe Schrogl (ESPI), Clay Mowry (Arianespace Inc), and Ben Baseley-Walker (Secure World Foundation). The programme will soon be on the website.

#### **Eilene M. Galloway Symposium on Critical Issues in Space Law, 2 Dec. 2010**

The 5th Eilene Galloway Symposium will again be organized by the University of Mississippi National Center for Remote Sensing, Air, and Space Law and the IISL, and will take place on 2 December 2010, as usual in the Cosmos Club in Washington DC. More information will soon be placed on the website.

#### **UNCOPUOS**

#### **IISL Observers**

Several members responded to the invitation to attend the session of the Legal Subcommittee (22 March - 1 April) or the plenary session of UNCOPUOS (9-18 June) as IISL Observers.

## **Report on IISL activities**

IISL was again invited by the UN to present a report on its activities to the COPUOS. The report was written by Corinne Jorgenson and will be presented by the President, Tanja Masson-Zwaan.

## **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 is available at the website of UN OOSA: [http://www.oosa.unvienna.org/pdf/publications/st\\_space\\_46.pdf](http://www.oosa.unvienna.org/pdf/publications/st_space_46.pdf)

Dr. Ospina is already working on the 2010 report and help from members is very welcome.

## **COMMITTEES**

### **Committees review**

At the initiative of the Executive Secretary and in order to involve the membership more in the work of the Institute, the committees of the Institute are being re-addressed; there are several new committees being created and current ones being re-organised. Each committee will be chaired by a member of the Board who will draft "Terms of Reference", describing the tasks of the committee. Once those are endorsed by the Board, a message will be sent to all IISL members, inviting them to take an active part in the work of these committees.

## **Standing Committee**

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

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

## **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 for 2009, including the papers of the Colloquium held in Glasgow and many other resources, have been published.

For orders, please visit the AIAA website <http://www.aiaa.org/content.cfm?pageid=320> (under "Organization," click on the drop-down box, select "International Institute of Space Law" and hit the enter arrow. That will bring up all the IISL proceedings)

In order to benefit from the special members price, members may contact the Executive Secretary, who will confirm their membership to AIAA, which will then arrange the order to be placed.