

# INTERNATIONAL INSTITUTE OF SPACE LAW

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## NEWSLETTER No. 78 - SEPTEMBER 2011

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### GENERAL INFORMATION

This Newsletter contains an update about the Institute's activities of the past months and those that are forthcoming. Hyperlinks allow for easy connection to the relevant page on the IISL website.

We recommend that you regularly visit the IISL website for the latest information about the Institute and its activities, <http://www.iislweb.org/>

### **In Memoriam**

Since last March, three of our distinguished members have unfortunately passed away. They have all been important supporters of the IISL during their active lives, and many of us have known them personally. We have posted obituaries on our website to honor their memory. They are:

- Edward R. Finch, Jr.

[http://www.iislweb.org/html/20110910\\_news.html](http://www.iislweb.org/html/20110910_news.html)

- Paul Dembling

[http://www.iislweb.org/html/20110520\\_news.html](http://www.iislweb.org/html/20110520_news.html)

- Eduardo Gaggero

[http://www.iislweb.org/html/20110317\\_news.html](http://www.iislweb.org/html/20110317_news.html)

### IISL CONFERENCES AND EVENTS

#### **Meetings of COPUOS, March/April 2011**

During the 2011 session of the Legal Sub-Committee of the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS), the Institute along with ECSL, at the request of the Sub-Committee, organized a Symposium for the members of the Legal sub-committee on the topic "A new look on the delimitation of airspace and outer space", on March 28 2011. It was co-ordinated by Board members Dr. Kai-Uwe Schrogl, Prof. Joanne Gabrynowicz and the Executive Secretary of the Institute Ms. Corinne Jorgenson. The organization was in the able hands of Ms. Matxalen Sanchez Aranzamendi of ESPI, to whom the Institute is very grateful. The event was chaired by Ms. Tanja Masson-Zwaan, President IISL and Board member Prof. Sergio

Marchisio, President, ECSL. See for the program and a link to the presentations:

<http://www.unoosa.org/oosa/COPUOS/Legal/2011/symposium.html>

The IISL was represented by several of its members in the official observer delegation to the legal sub-committee meeting in Vienna from March 28 and April 8 2011.

#### **2<sup>d</sup> IAA Conference on Private Human Access to Space, Arcachon, 30 May-1 June 2011**

This 2<sup>nd</sup> International Academy of Astronautics (IAA) Conference on Private Human Access to Space was held in partnership with the IISL. The President was a member of the Organising Committee. There were 3 full legal, regulatory and insurance sessions and the President gave a keynote on legal issues. The Proceedings will be published as special edition of Acta Astronautica, an IAA publication.

#### **IISL-ISIL Conference, Jakarta, 6-7 June 2011**

This conference was organised by IISL in cooperation with the Indonesian Society of International Law (ISIL), in parallel with the Asia Pacific round of the Lachs moot court. It was held in Jakarta, Indonesia and the central theme was "The role of law in an Asian space age: institutions and applications." Several board members including Prof. Kosuge, Prof. Zhao, Prof. Murthi and the President participated in the conference (see also under Moot court). The board is grateful to Mr. Jason Bonin for organising the conference, the proceedings of which will be published by ISIL.

#### **54<sup>th</sup> Colloquium in Cape Town, South Africa 3-7 October 2011**

The 54<sup>th</sup> IISL Colloquium will be held from 3-7 October in Cape Town, South Africa. There is an average of 15 papers for each session, and about 10 papers for the Young Scholars Session plus posters. The IISL is honoured that the third Nandasiri Jasentuliyana Keynote Lecture will be given by Judge Koroma of the International Court of Justice.

## *Session Program*

The following sessions will be held:

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

Chairs: T. Masson-Zwaan, R. Jakhu  
Rapporteur: D. Howard

### E8.2: Legal issues of commercial human spaceflight.

Chairs: S. Freeland, P. Dempsey  
Rapporteur: J. Chatterjee

### E8.3: Africa: Space Law and Applications - Past, Present, and Future

Chairs: T. Brisibe, J. Gabrynowicz  
Rapporteur: P. Sekhula

### E8.4: Environmental Aspects of Space Law and of Space Activities

Chairs: B. Schmidt-Tedd, U. Bohlmann  
Rapporteur: M. Force

### E8.5: Recent Developments in Space Law

Chairs: S.-M. Rhee, L. J. Smith  
Rapporteur: A. A. Oprong

## *E3.5 26th IAA-IISL Scientific/Legal Roundtable*

The IAA-IISL Scientific/Legal Roundtable will be held on the topic "Space Debris Environment Remediation," and reflect the results of the completed International Academy of Astronautics (IAA) Cosmic Study chaired by H. Klinkrad and N. Johnson.

## *B3.8 Joint IAF/IISL session on "Policy and Law of Human Space Missions"*

Chairs: C. Bank, L.J. Smith, Rapporteur: L. Weber-Steinhaus.

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

The 20<sup>th</sup> Manfred Lachs Space Law Moot Court competition will be held during the Cape Town IISL colloquium. The [Problem](#) for 2011 is titled the "Case concerning Environmental Contamination and Harmful Interference in Space Activities (Zuris v. Nova Freedonia)."

For the regional round in Europe, 8 teams registered, and the competition was held at the Saint Petersburg State University, Russian Federation, on April 28-29. For the North American round, 11 teams registered and the competition was held at the Georgetown Law School, USA, on April 16. For the Asia-Pacific Round, 24 teams registered and the competition was held at the Universitas Pelita Harapan, Indonesia, 3-5 June. The competition was preceded by a conference on outer space law. It

was decided to continue for the time being with alternating locations for the round, and the 2012 Asia Pacific Round will be held in Hyderabad, India and will again be combined with a conference. Mr. Jason Bonin has decided to step down as regional organizer, and the IISL thanks him for his hard work and successful effort in organizing the round and a conference of excellent quality. The new regional organizer for the Asia Pacific region is Dr. Yuri Takaya, assisted by Dr. V. Gopalakrishnan. More information is available at the dedicated moot court website:

<http://www.iislweb.org/lachsmoot/asia-pacific.html>

There has been a continuous effort from the President the past few years to have African and Latin America regional rounds. The IISL is proud and pleased that with the help of the Moot Court Committee and our members Angeline Oprong and Timiebi Aaganaba, Kenya, Nigeria and South Africa will participate in the African Introductory round, which will take place during the Cape Town IISL Colloquium. Concrete plans to formalise the new African Regional round will be discussed in Cape Town.

For the time being, it was decided to include the schools from Latin America in the North American Round until the Institute is ready to launch the Latin America round; Colombia participated in the North American round this year.

The original 'Lachs Trophy', after having been partly lost last year, has been restored and placed on permanent display near the ICJ offices at the Peace Palace in The Hague. An exact replica of the Trophy will be present at each World Finals but will no longer travel around the world with the winning team. The Sterns and Tennen award for Best Oralist, the Eilene M. Galloway Award for Best Brief and the Lee Love Award for the winning team, as well as various plaques and certificates will be awarded.

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 Cape Town.

The IISL is most grateful to JAXA, ECSL and the Secure World Foundation for their substantive efforts to sponsor the regional winners to attend the IAC. We are also thankful for funding and other support received from the South African Department of Trade and Industry and other South African sponsors, as well as the IAF.

The IISL is very grateful to the Moot Court Committee, led by co-chairs Dr. Mejía-Kaiser and Dr. Tennen, for their tireless efforts in safeguarding and strengthening the excellent

reputation of the competition, which will celebrate its 20<sup>th</sup> anniversary in Cape Town.

### ***IISL Dinner***

The Annual IISL dinner for members and invited guests will be held on Thursday 6 October following the Moot Court Competition.

On behalf of the Treasurer, we call your attention to the following. The IISL moot court activities are expanding and the global economic situation is increasingly difficult. In view of these financial constraints, we appeal to our members to make an active contribution to our annual IISL dinner. We request an amount of 30 Euros per person as your contribution to the annual dinner 2011 in Cape Town. You can make your payment via the special PayPal button on our website, <http://www.iislweb.org/>, at the bottom of the home page, or by making a transfer to our bank, clearly mentioning your name (IISL, ABN Amro Bank, BIC: ABNANL2A, IBAN no.: NL30ABNA0464594421). We will be happy to assist you with this, please let us know if you need any help. We appreciate your understanding.

### **Awards 2011**

In Cape Town, two Lifetime Achievement Awards will be given to Dr. Ernst Fasan (Honorary Director, IISL) and Judge Abdul Koroma (International Court of Justice). A Distinguished Service Award will be given to Prof. Joanne Gabrynowicz (National Centre for Remote Sensing, Air and Space Law, Mississippi), an Award of Appreciation to Dr. Mazlan Othman (UNOOSA) and a Certificate of Gratitude to Mr. Scott Hatton (IISL Webmaster).

The Prof. Dr.I.H.Ph. Diederiks-Verschuur 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.

### **Elections 2011**

#### ***Election of Directors***

The term of the following directors will expire in 2011: Prof. Back Impallomeni, Prof. von der Dunk, Prof. Hobe (Treasurer), Prof. Kopal (Vice-President), and Prof. Monserrat.

The Nominating Committee composed of Dr. Skip Smith (Chair), Prof. Lyall and Prof. Kosuge will present its report to the General Assembly in Cape Town.

### ***Election of New Members***

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

Ms. Timiebi AGANABA (Nigeria)  
Mr. Olavo de O. BITTENCOURT NETO (Brazil)  
Dr. Tare Charles BRISIBE (Nigeria)  
Mr. Guillermo J. DUBERTI (Argentina)  
Mr. Mark FENOTTI (Australia)  
Mr. Robert J GAJARSA (USA)  
Prof. Dr. Gouzhu GAO (China)  
Mr. V. GOPALAKRISHNAN (India)  
Ms. Anne Marie HEBERT (Canada)  
Dr. Bin LI (China)  
Mr. Patthara LIMSIRA, (Thailand)  
Dr. Peter MARTINEZ (South Africa)  
Ms. Angeline Asangire OPRONG (Kenya)  
Prof. Won-Hwa PARK (Korea)  
Mr. Jordi SANDALINAS BARÓ (Spain)  
Dr. Iqbal SINGH (USA)  
Ms. Sotiria TSOUKALA (Greece)

### ***Eilene M. Galloway Symposium on Critical Issues in Space Law, Washington DC, 1 December 2011***

The 6<sup>th</sup> Eilene Galloway Symposium will be held on December 1<sup>st</sup> at the Cosmos Club in Washington DC. The agreed topic is "A Comparative Look at National Space Laws and their International Implications" Members interested in presenting a paper or to serve as rapporteur are welcome to contact us at [secretary@iislweb.org](mailto:secretary@iislweb.org). A report and several of the papers presented will be published in the IISL proceedings.

### ***IISL/ECSL Symposium at COPUOS, 2012***

On the occasion of the 51<sup>st</sup> Session of the Legal Subcommittee of the UNCOPUOS in March 2012, the IISL and ECSL will organize the annual Symposium for delegates of the Legal Subcommittee. The topic for 2012 is "Transfer of ownership of space objects: Issues of responsibility, liability and registration". The presentations of the previous Space Law Symposium on "A new look on the delimitation of airspace and outer space" are available on the UNOOSA website. The papers of these symposia will be published in the IISL Proceedings.

### ***Delegates to COPUOS Legal Subcommittee***

Members who would like to attend the session of the Legal Subcommittee (19-30 March) as IISL Observers are requested to send an email to the Executive Secretary, Corinne Jorgenson, at [secretary@iislweb.org](mailto:secretary@iislweb.org) before January 1st, 2012.

**55th Colloquium in Naples, Italy  
1 – 5 Oct. 2012**

*Session Program*

**Note: Members interested in any rapporteur position should contact the Executive Secretary before December 2011.**

**Abstracts must only be submitted online before 29 Feb. 2012 (see [www.iafastro.org](http://www.iafastro.org)).**

**1. Nandasiri Jasentuliyana Keynote Lecture on Space Law & 4th 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. All young scholars should only submit for the young scholars session, even if their paper addresses a topic of one of the other sessions, otherwise they will not be considered for acceptance.

Co-chairs: Mrs. Tanja Masson-Zwaan, Prof. Elisabeth Back Impallomeni

**2. The Interaction between Private International Law and Space Law and its Impact on Commercial Space Activities**

Many current day space activities are undertaken by private commercial entities. Indeed, Article VI of the Outer Space Treaty already contemplated that 'non-governmental entities' would carry out space activities, albeit with the responsibility for such activities remaining with States. As the range of private commercial space activities has rapidly expanded, and the 'industries' that many of them have created represent many billions of dollars, a variety of legal issues arise that require careful thought. Not only are the United Nations Space Law Treaties of relevance, but private law, either on a multilateral or bilateral basis, plays an important role in the regulation of such activities. This session invites contributions that discuss how private law impacts upon, and is influenced by the broader range of international space law rules. Reference may be made to the draft Protocol to the Cape Town Convention on Matters specific to Space Assets, prepared by a Unidroit Committee of governmental experts, due to be finalised at a diplomatic Conference to be held in Berlin from 27 February to 9 March 2012, or to the plethora of contractual, regulatory and national law rules that are relevant to the regulation of private space activities.

Co-chairs: Mr. Martin Stanford, Prof. Paul Larsen

**3. The International Legal Regulation of Outer Space within the Scope of Public International Law**

Article III of the Outer Space Treaty confirms that activities in the exploration and use of outer space shall be carried out 'in accordance with international law', with specific reference to the Charter of the United Nations. Moreover, Space Law itself has developed as a branch of public international law. It is evident from the range of space activities that many aspects of public international law - including the Law of the United Nations Charter, International Environmental Law, International Trade Law, International Humanitarian Law, International Human Rights Law - are relevant to the conduct of such activities. These may be through either Treaties or customary law, and it is important to understand how these areas of public international law interact. This session invites contributions that address this interaction, including the difficulties that might be associated with simply attempting to apply existing international law principles developed terrestrially, without any adaptation, to the unique environment of outer space.

Co-Chairs: Prof. Stephan Hobe, Mr. Jean-François Mayence,

**4. Legal Evidence from Outer Space**

Modern societies and their legal systems increasingly rely on technological tools and pieces of evidence to help the enforcement and application of domestic and international law. Space brings valuable and accurate information in the form of precise timing, satellite positioning, land mapping used for building permits, environmental control of pollution, management of maritime traffic and many other growing applications. Several courts and public enforcement officers have already used satellite data and derived information for decisions in many areas. International environmental agreements include space data as an objective mean to control treaty obligations. Papers will be invited to focus on the case law and on the legal solutions available for lawyers, governments and legislators to take benefit of available space technology at the service of jurisdictions.

Co-Chairs: Dr. Marco Ferrazzani, Mr. Ray Purdy

**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 were determined, i.e. since March 2012 only.

Co-chairs: Mrs. Corinne Jorgenson, Dr. Ranjana Kaul

**27<sup>th</sup> IAA-IISL Scientific/Legal Roundtable**

Topic: "Optical Communication." The Round Table will address technical development and regulatory aspects of optical communication such

as frequencies and protection from interception during data transmission.  
Chairs: K-U. Schrogl, W. Mendell, Rapporteur: N. Rohner-Willsch.

#### *Joint IAF/IISL session*

“Policy and Law of Human Space Missions”  
Chairs: Mr. Cristian Bank, Lesley Jane Smith,  
Rapporteur: Luise Weber-Steinhaus.

#### *Moot Court - IISL Dinner*

Arrangements for the World Finals of the competition are being made. The [problem](#) for 2012 has been released in August and the timetables have been published on the Lachs Moot website. Please refer to [www.iislweb.org/lachsmoot/](http://www.iislweb.org/lachsmoot/) for the latest information.

Discussions have started to make arrangements for the IISL Dinner and moot court events in Naples.

### **PUBLICATIONS / COMMITTEES / CONNECTIVITY**

#### **IISL Proceedings**

The Proceedings for 2010, including the papers of the Colloquium held in Prague, have been published. An [order form](#) is available on the IISL website. Reduced prices apply for IISL members.

As the Institute offers now much more than just the colloquium papers, it is a continuous challenge to get some papers on time for publication. The Editor, Mrs. Corinne Jorgenson requests all authors, Colloquium session chairs as well as IISL program committee chairs to please provide all the available papers, symposia programs and reports to her within three months following the events. For the Cape Town Colloquium, we ask all authors to provide their revised paper, if needed, before December 31<sup>st</sup>, 2011. Thank you for your cooperation.

IISL members are entitled to purchase 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.

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E: [warehouse@aiaa.org](mailto:warehouse@aiaa.org)

W: <http://www.aiaa.org/content.cfm?pageid=320> (select 'IISL' under 'organisations').

The 2010 IISL Proceedings are available at \$89.95 for members and \$ 180 for non-members, excluding shipping charges. Go to [http://www.iislweb.org/docs/2010\\_IISL\\_Proceedings\\_OrderForm.pdf](http://www.iislweb.org/docs/2010_IISL_Proceedings_OrderForm.pdf) for an order form.

*\*Some proceedings may be out of print.*

#### **Manfred Lachs' 'The Law of Outer Space'**

On the occasion of its 50th anniversary, the IISL republished the book by former IISL President Judge Manfred Lachs, “The law of outer space, an experience in contemporary law-making”, see <http://www.brill.nl/law-outer-space>.

#### **Young Scholars book “New perspectives on space law”**

The Proceedings of the 2<sup>nd</sup> Young Scholars session held in Prague in 2010 have been published in a separate book to commemorate the IISL's 50<sup>th</sup> anniversary. The publication has been facilitated by ISRO and edited by Mark Sundahl and V. Gopalakrishnan, and will be presented in Cape Town.

#### **NEW: add your profile to the members website**

As has been reported before, the IISL website has been expanded with an online members database ([www.iislweb.net](http://www.iislweb.net)), where members can verify and update their personal data, and register for IISL events. This new tool has now been further improved with the possibility for each member to upload a profile and photo, indicating areas of interest, main publications etc. As soon as a member has uploaded a profile, access is given to all other profiles that have been uploaded. This will allow members to contact each other, interact and network, and will further improve the services of the IISL to its members. If you have any questions about this new feature, please contact us as [secretary@iislweb.org](mailto:secretary@iislweb.org).

#### **Social Media**

The IISL is active on LinkedIn and Facebook and encourages you to join us there for up-to-date news and to liaise with colleagues and friends from the IISL community.

On [LinkedIn](#), we admit only members to the group (currently 70). On Facebook, we have 2 pages, one [IISL](#) page and one [Mootcourt](#) page, each of which has between 200-260 ‘fans’.

Please help us keep these pages ‘lively’ by sharing news, activities, publications, events etc.

#### **Members survey**

In order to find out what concerns our members have about a wide range of issues, the IISL has conducted an online survey among the members. The survey consisted of about 50 questions, and the results will be very helpful in shaping the future of the Institute. The results have been distributed to the members and we would like to express our thanks to those who have responded.

## **IISL 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.

Last year, the Executive Secretary invited all members to participate in the various IISL committees. All the committees are up and running and if you are interested in joining any of the IISL committees or have questions, please email [secretary@iislweb.org](mailto:secretary@iislweb.org).

**[Please visit](#)**

**[WWW.IISLWEB.ORG](http://WWW.IISLWEB.ORG)**

**[for more information](#)**