This report covers the period between the 59th IAC in Glasgow, Scotland and the 60th IAC in Daejeon, Korea.

The International Institute of Space Law (IISL) was founded in 1960, and has recently been established as an independent association in The Netherlands. The purposes and objectives of the Institute include the cooperation with appropriate international organizations and national institutions in the field of space law and the carrying out of tasks for fostering the development of space law. The IISL has elected individual and institutional members from over 40 countries, who are distinguished for their contributions to space law development.

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 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.
1. Colloquium and related events, Daejeon, 2009

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 Specifics)”. 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):

- Tuesday morning: Session E8.1: ‘Nandasiri Jasentuliyana Keynote Lecture on Space Law & 1st Young Scholars session’ (Chairs: S Hobe/T. Masson-Zwaan, Rapporteur J. Hong)
- Wednesday morning: 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, Rapporteur M. Mejia)
- Wednesday afternoon: Session E8.4: ‘Legal Mechanisms for Encouraging Space Commerce’ (Chairs R. Jakhu, S. Mosteshar, Rapporteur M. Sundahl)
- Friday morning: Session E8.6: ‘Recent Developments in Space Law’ (Chairs E. Back Impallomeni, H. Zhao, Rapporteur C. Doldirina)

In addition, the IISL is involved as usual in the organization of the IAA/IISL Scientific Legal Roundtable. This year will be the 24th roundtable, session E3.5, to be held on Thursday morning, on the topic “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.

Lastly, the IISL was involved in organizing one of the Plenary Events, namely PE9, on “Achieving a Sustainable Space Environment for Future Space Activities”. IISL member Richard DalBello (Intelsat) will address legal issues.

2. 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). The Finals will be held on
Thursday 15 October at the Solomon Law Park. Three Judges of the International Court of Justice in The Hague will judge the Finals: Judges Koroma, Skotnikov and Tomka.

The Sterns and Tennen award for Best Oralist, the Eilene M. Galloway Award for Best Brief, the Manfred Lachs Trophy and Lee Love Award for Best Team, the special Award by the Minister of Justice of Korea for the Runner-up Team, and various plaques and certificates will be awarded.

Regional rounds were as usual held in April this year. In 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 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. ESA/ECSL, JAXA and Secure World Foundation sponsor the winners of the regional rounds.

The Annual IISL dinner for members and invited guests will be held on Thursday 15 October 2009 following the Moot Court Competition. The dinner will take place at the Daejeon Museum of Art.

IISL is most grateful to all sponsors and to the LOC, for making all the arrangements for the Moot Court & Associated Events.

3. IISL Regional Meetings

The 3rd Eilene Galloway Symposium on Topical space law issues 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”.

4. 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 organize 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.

Official Observers

IISL was represented by several of its members in the official IISL observer delegation to the legal sub-committee meeting in Vienna and/or the Plenary Session.

5. 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.

6. Awards

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.

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).

A committee of the Board has reviewed the various categories of and criteria for IISL awards and will present its report to the Board in Korea.

7. 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.
8. 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.

9. Directorate of Studies

The Institute set up a Directorate of Studies to make recommendations to raise the standard of IISL conferences in general, in particular the annual colloquium. Several proposals are under consideration, and the first reforms will be applied to the Colloquium in Daejeon (see above). The Directorate has established guidelines for chairmen of IISL sessions, and is proposing guidelines for submission of abstracts. In addition, it has made some proposals regarding suggested publications on the occasion of the 50th anniversary of the Institute.

10. Financial

The payment of annual dues and the publication of its proceedings are generating a small amount of income to realize the priority activities of the Institute with the assistance of sponsors and the support of LOCs. To expand its activities the Institute would require a larger pool of funding.

11. Membership

The IISL has members from 40 countries. Last year, 2 institutional and 18 individual members were elected upon nomination to the Board at its meetings in October 2008 and March 2009.

12. Publications

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 51st Colloquium have been published by the AIAA. An order form is available on the IISL website. Reduced prices apply for AIAA and IISL members.

A Newsletter has been sent to the members of the Institute.

“Space Law: A Bibliography” comprising a cumulative index of the proceedings of the Colloquia from 1958 to 1994 was published in June 1996 as a co-operative effort between the IISL and the United Nations Office for Outer Space Affairs. The report will soon be accessible and searchable on the IISL website and will be updated with input from more recent Colloquia.

13. IISL Statutes Amendment

After the official incorporation of the Institute as an NGO under Dutch law in 2007, a committee has worked on a general revision of the Statutes of the Institute, in order to clarify certain
provisions of the Statutes and provide some technical corrections that were needed to bring the Statutes up to date. The minor amendments will be put to a vote at the General Assembly in Daejeon.

14. Co-operation

Co-operation with other organizations continues, not only with our sister organizations, the IAF and IAA, but also among others with the United Nations COPUOS, the European Space Agency (ESA), the European Centre for Space Law (ECSL), COSPAR, the International Law Association (ILA), the International Bar Association (IBA), and several national institutions and universities.

15. Website and Social Networks on Internet

The IISL operates an up to date website at www.iislweb.org, also has created ‘Groups’ on LinkedIn and FaceBook.

16. Colloquium Prague, Czech Republic, 27 September - 1 October 2010

The 53rd IISL Colloquium, the 19th Manfred Lachs Moot Court and the Annual IISL Dinner will be held in conjunction with the next IAC in Prague.

In 2010, the IISL will celebrate its 50th Anniversary and some special events and/or a publication will be prepared.

The Colloquium will deal with the following topics:

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, IMSO, EUTELSAT IGO or ARABSAT.

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

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.

Plenary Event

Mr. Mark Williamson proposes to coordinate a plenary event has been proposed by on the topic ‘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.
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.

September 2009

T. Masson-Zwaan

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