

Proceedings of the  
forty-sixth colloquium on  
the law of outer space  
29 September – 3 October 2003,

International Institute of  
Space Law of the International  
Astronautical Federation.

PROCEEDINGS  
OF  
THE FORTY-SIXTH  
COLLOQUIUM ON  
THE LAW OF  
OUTER SPACE

INTERNATIONAL INSTITUTE OF SPACE LAW  
OF THE  
INTERNATIONAL ASTRONAUTICAL FEDERATION

29 SEPTEMBER – 3 OCTOBER 2003  
BREMEN, GERMANY



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## INTRODUCTION

BY  
**N. JASENTULIYANA**  
**PRESIDENT**



The coordination and regulation of space activities by law is important in order to promote international cooperation and avoid conflicting claims and competition which would jeopardize beneficial uses of space for the benefit of the international community.

For its part, during the year 2003, the International Institute of Space Law (IISL), which is composed of members representing over 40 countries distinguished for their contribution to space law, continued its activities aimed at contributing to a better understanding and application of space law.

Scholarly work by specialists was encouraged through the Institute's annual colloquium and its regional and sponsored meetings. It is gratifying that several young scholars are now presenting papers at the colloquium and the Diederiks-Verschoor Award for the best paper presented at the colloquium by a new participant aimed at encouraging young scholars was further enhanced by the addition this year of a cash award. The Institute is grateful to the donors for the generous contributions made to enhance the award as well as the Eilene Galloway Award for the Best Written Brief and the Sterns and Tennen Award for the Best Oralist in the annual Manfred Lachs Moot Court Competition which is organized to popularize space law among university students.

2003 Manfred Lachs Moot Court Competition was once again a resounding success with increasing number of universities participating in the competition particularly from the Asia Pacific region which joined the competition recently. The continued participation of the Judges from the

International Court of Justice (ICJ) to judge the world finals of the moot competition enhances its prestige and the Institute is grateful to the judges for their kind participation.

In continuing its research efforts, the Institute, through an open ended working group was engaged in working out a text of a statement to be posted on its website relating to Property Rights on the Moon and Celestial Bodies. In view of recent public and media interest on the subject the Institute felt it should rally distinguished specialists among its membership to provide guidance on the subject by way of such a statement on the property rights on the Moon and Celestial Bodies.

Recognizing the interdisciplinary nature of space activities, the Institute organized a Plenary Event at the annual International Astronautical Congress (IAC) in Bremen on the subject of "Space Business: Emerging Profitability in Space", with a view to providing Lawyers, Managers, and Scientists the opportunity to discuss various facets of the subject. We are grateful to the CEOs and other senior managers from space industry and organizations that participated as panelists to make the IISL Plenary a very successful IAC event.

Due to SARS the regional meeting planned for Beijing was postponed and will now be held in April 2004. It will serve as another forum for scholarly and practical discussions particularly in new areas of concern to space law relating to commercial uses of space technology, trade issues, insurance, financing asset protection and export control.

The Institute is grateful to its members for the cooperation and support they give to make its work a success. Prime among them is our indefatigable Secretary, Tanja Masson-Zwaan who in spite of having to relocate to different countries during the year (Singapore, France and Holland) and her many professional and family responsibilities, worked tirelessly to make the work of the Institute a success. Our hard working Treasurer Frans Von der Dunk and several of the Directors have worked through out the year, spending many hours on the internet to provide their advice, guidance and support to the work of the Institute.

The Institute is also grateful for the generous support provided by the German Space Agency DLR and EADS Space Transportation along with the University of Bremen in sponsoring the Annual IISL Dinner and the Manfred Lachs Moot Court Competition. We are particularly indebted to Prof. Jane Smith of the University of Bremen who coordinated the local arrangements and whose commitment was critical in obtaining the support for the Institute's activities in Bremen.

The Institute is grateful to its members who gave their time generously to prepare the Institute's reports and proceedings, operate it's web site, organize the regional Moot Competitions, draft the Moot Court case, judge the briefs and regional and semi-final competitions, act as speakers at Institute organized meetings, represent the Institute at various international meetings, and assist the Institute in various other ways.

We also continued our close cooperation with the United Nations and the European Center for Space Law (ECSL) as described in the annex below.

With out the strong support and encouragement of those I have referred to here, the Institute could not have carried out its numerous tasks so successfully in the year 2003, and I look forward to their continued cooperation in making the work of the Institute even more meaningful in the years ahead.

## **Annex: General Information**

### **Background**

The International Institute of Space Law (IISL) was founded by the International Astronautical Federation (IAF) in 1960. The IISL replaced the Permanent Committee on Space Law which the IAF had created in 1958 under the chairmanship of Andrew G. Haley. Since 1958, the IISL has held annual colloquia on space law in many nations. The IISL presently has elected individual and institutional members from over 40 countries, who are distinguished for their contributions to space law development. While a component of the IAF, the IISL is authorized to function autonomously in accordance with its Statutes. The purposes and objectives of the Institute include the cooperation with appropriate international organizations and national institutions in the field of space law, the carrying out of tasks for fostering the social science aspects of astronautics, space travel and exploration, the organization of meetings and colloquia on juridical and sociological aspects of the space sciences, and the publication of proceedings, reports and other publications. Each year, the Institute publishes a report of the Standing Committee on the Status of International Agreements Relating to Activities in Outer Space, headed by Dr. A. Terekhov. The financial resources of the Institute are derived from membership dues, research grants, remuneration received from the sale of its publications, and donations received from individuals, associations, institutions, foundations, and other organizations with interests in the development of law governing space activities.

### **IISL and the United Nations**

IISL members have been appointed by the International Astronautical Federation as Official Observers to annual sessions of the United Nations (UN) Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee. In addition, the IISL has, like in past years, prepared a

report on legal developments under contract with the UN, to be published in the annual Highlights in Space Report, and provides yearly reports on its activities to the Legal Subcommittee.

In 2004, the IISL will again co-organize a symposium for the delegates and staff of the Legal Subcommittee session; the Coordinator of the program is Ms. Tanja Masson-Zwaan. The symposium will deal with *New Developments and the Legal Framework covering the Exploitation of the Resources of the Moon*.

### **46<sup>th</sup> IISL Colloquium**

The 46th IISL Colloquium was held from 29 Sept. to 3 Oct. 2003 in Bremen, Germany. Around 60 papers were presented, and sessions were held on the following topics:

**Session 1:** Legal Aspects of Applications and Private Space Activities; Chairmen: Maurice Andem and Hermann Ersfeld; Rapporteur: Philippe Achilleas

**Session 2:** Space Treaties, Law and Policies and Telecommunication Issues; Chairmen: Lesley Jane Smith and Peter Van Fenema; Rapporteur: Martha Mejia-Kayser

**Session 3:** Space Law and International Security Chairmen: John B. Gantt and Yuri Kolossov; Rapporteur: Liara Covert

**Session 4:** Space Traffic Management and Navigation; Chairmen: José Monserrat Filho and Lubos Perek; Rapporteur: Sylvia Ospina

**Session 5:** New Issues Relating to Nuclear Power Sources; Chairmen: Stephan Hobe and Marcia Smith; Rapporteur: Gerardine Goh

The IISL also held a successful Plenary Event on "Space Business: Emerging Profitability in Space", at which the following speakers expressed their views: Stéphane Chenard, Executive Vice-President of Euroconsult in France, Wilfried Bornemann, Director, Navigation & Constellations of Astrium Earth Observation, Navigation & Science in Germany, Dr M.G.

Chandrasekhar of World Space, Roscoe Moore III, President of PeerSat Inc. in the USA, Robert Z. Dalal, Chief Executive Officer of Space Imaging Inc. in the USA, Ramin Khadem, Chief Financial Officer of Inmarsat Ventures plc in the UK, and K. R. Sridhara Murthi, Executive Director of Antrix Corporation Ltd. in India. The panel was coordinated by Jim Keravala and the IISL President.

### **IISL Publications**

The Proceedings of the Bremen Colloquium will be published by the AIAA.

The Institute is currently preparing an update of its space law bibliography, an index of papers published in its Proceedings. A first volume of this book came out in 1996 with the kind support of the UN Office for Outer Space Affairs, which is again instrumental in this effort.

### **Manfred Lachs Space Law Moot Court Competition**

The World Finals of the 12th Manfred Lachs Space Law Moot Court Competition were held during the Bremen Colloquium. Preliminary Rounds had previously been held in Europe, the USA and the Asia-Pacific. Three Judges of the ICJ judged the Finals: H.E. Judge Guillaume, H.E. Judge Koroma and H.E. Judge Vereshchetin.

The results of the world finals were as follows:

**Winner:** University of Auckland, New Zealand (Jesse Wilson and Isaac Hikaka)

**Runner up:** Georgetown University Law Center, Washington DC, USA (Petra Vorwig and Amanda Shafer)

**2nd runner up:** University of Bremen, Germany (Deirdre Ní Chearbhaill and Kamlesh Gungaphul)

**Eilene M. Galloway Award for Best Written Brief:** University of Bremen

**Sterns and Tennen Award for Best Oralist:** Petra Vorwig, Georgetown University

The finals were held at the Landgericht of Bremen. A Reception and Dinner were hosted after the finals in the restaurant 'Ratskeller'. Around 200 guests attended. The dinner was

sponsored by EADS Space Transportation and DLR, to whom IISL is most grateful.

A report on the competition, the case and the finalists' briefs are published in this volume. The competition will be held for the 13th time in Vancouver, Canada, in October 2004.

### Awards

A Distinguished Service Award was presented to Dr Kai-Uwe Schrogl (DLR) during the IAF Banquet.

Ms Joann Clayton-Townsend also received an award *in absentia*.

The Dr. I.H.Ph. Diederiks-Verschoor Award was given for the 3rd time in Bremen, to Ms Gerardine Goh of Singapore for her paper "TIN-TALLE - kindling International Security with Space Law". In total, 6 papers had been submitted. Prof Fernandez Brital provided the medal.

### V. Space Law Conference Beijing

The Chinese Institute of Space Law (CISL) will host the next regional conference in Beijing, China, from **25-27 April 2004**. The Conference had to be postponed last year because of SARS. The Conference is sponsored by the China National Space Administration; the Ministry of Science and Technology; the Chinese Academy of Sciences; and the China Aerospace Science and Technology Corporation.

The programme has been updated and slightly revised, and has been posted on the IISL and IAF websites. The Conference will focus on the following sessions-topics: (1) National Space Programmes, Policies and Legislation in Asia; (2) Trade Issues, including Insurance, Financing, Asset protection, Export controls; (3) Use of GNSS and benefits for the Asian Region; (4) Commercial Use of Space, including Launching; (5) Protection of Developing Countries' Interests, including Access to Space, and (6) Remote Sensing & Telecommunications. Special keynote lectures will address the Development and Future of Aerospace Technology in China, and the

Development of Satellite and Manned Space Flight in China.

### 47<sup>th</sup> IISL Colloquium

The 47th Colloquium of the IISL will be held in Vancouver, Canada, from 4-8 Oct. 2004. The following sessions are scheduled:

#### Session 1: New developments in National Space Legislation

The session will focus on new developments at the level of national space legislation, dealing with such issues as the involvement of private entities, the regulatory and/or participatory roles of governments, and the impact of international co-operation at the domestic level. Papers should specifically address developments regarding further implementation of existing national space legislation, and initiatives to establish new national space legislation.

Chairmen: Dr. Frans von der Dunk, The Netherlands, and (tbc).

Rapporteur: Dr. Patrick Salin, Canada.

#### Session 2: International Law and Practice of Agreements on Cooperation regarding Space Activities

Since the adoption by the UN General Assembly of the Declaration on International Cooperation of 1996, a large practice has developed as to cooperative agreements, also involving developing states. Papers should focus on multilateral and bilateral agreements formalizing cooperation amongst governments and space agencies. Regarding multilateral agreements, authors could address for instance those regarding telecommunications, the ISS (including the MoU's at the level of space agencies) or GNSS (Navigation Systems). Regarding bilateral agreements they could focus on agreements relating to specific space projects, for instance regulating the use of spaceports by foreign governments and operators (Alcantara, Bajkonour) or on the use of remote sensing data: Landsat, Envisat, SPOT, RadarSat.



Chairmen: Mr. Marco Ferrazzani, ESA/Italy and Mr Paul Fauteux, Canada

Rapporteur: Ms Macha Ejova, Russia

**Session 3: A General Convention on Space Law?**  
Papers should consider aspects of the desirability or otherwise of the elaboration of a general convention to codify existing space law, the questions of procedure and substance that would arise, and the possible progressive development of space law through such an instrument.

Chairmen: Prof. Dr. Ram Jakhu, Canada, and Dr Lucy Stojak, ISU/Canada

Rapporteur: Dr. A.A. Golrounia, Iran

#### **Sessions 4 and 5: Other Legal Matters**

Papers may address all other legal matters.

Authors are specifically invited to address recent developments in the field of Commercialization and Privatization of Space Activities

Chairmen: Dr. Sylvia Ospina, Colombia and Dr Pierre Nadeau, Canadian Space Agency, Canada.

Rapporteur tbd

The topics of sessions 4 and 5 will be determined after all abstracts have been reviewed.

#### ***Manfred Lachs Space Law Moot Court Competition***

The 13th Manfred Lachs Space Law Moot Court Competition will be held in Vancouver. The case for 2004 is on the moot court website, [www.spacemoot.org](http://www.spacemoot.org)

Regional rounds will be held in Europe, North America and the Asia Pacific. It is expected that Canada and Mexico will join the North American round.

The **Official Rules** of the moot court have been updated and revised, the new rules are available on the IISL website.

#### ***Dr. I.H.Ph. Diederiks-Verschoor Award***

All authors will receive an invitation to apply for this Award with their instructions package. This year, in addition to the prestigious medal, the winner will also get a money prize of 500 Euros.

## **VII. 48<sup>th</sup> IISL Colloquium**

The 48<sup>th</sup> Colloquium on the law of outer space will be held during the IAF Congress in Fukuoka, Japan, from 16 - 21 October 2005. The session topics for this colloquium will be decided in the Spring of 2004.

### **Elections 2002**

#### ***Board of Directors:***

Two new members of the Board of Directors were elected: Prof. Jonathan Galloway (Lake Forrest College, Illinois, USA) and Mr K.R. Sridhara Murthi (ISRO/Antrix Corp., India).

Ms. Marcia Smith was elected as Vice-President. In September 2003, Ms. Smith was presented with the 2003 Women in Aerospace Lifetime Achievement Award.

Several other Directors and Officers were re-elected for a new term of three years. Prof. N.M. Matte (Canada) and Dr. He Qizhi (China) were elected as **Honorary Director**.

#### ***Members:***

The following members were elected in 2003:

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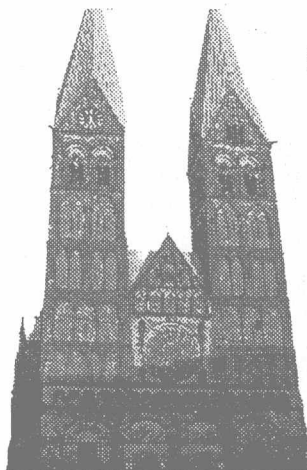
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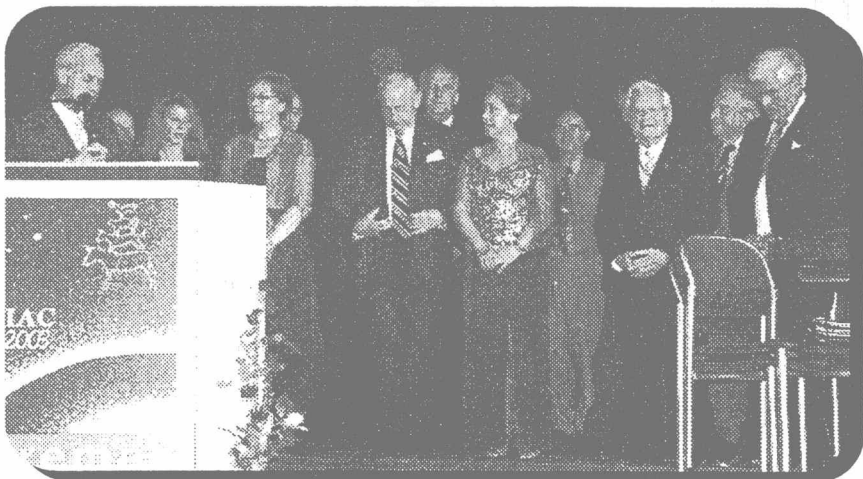
▲ Bremer Dom

## Photos from the 46th Colloquium on the Law of Outer Space

▼ The Mayor of Bremen greets Judge and Madame Guillaume.

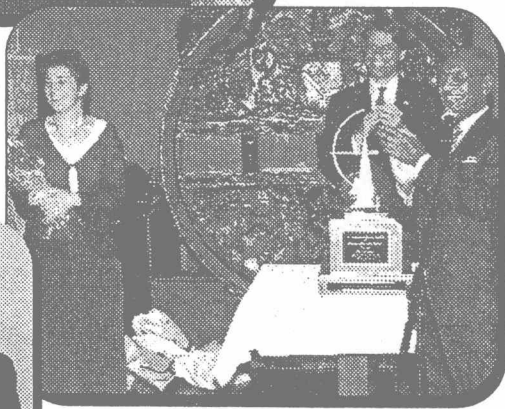


▼ Manfred Lachs moot court semi-finals, the team of Bremen University and University of Auckland and their coaches, and Judges Dr. Ribbelink, Prof. Hobe and Ms. Smith.



◀ Group photo of attendants at annual IISL Dinner in the Ratskeller.

▼ Secretary Tanja Masson-Zwaan, Treasurer Frans von der Dunk and president Jasentuliyana.

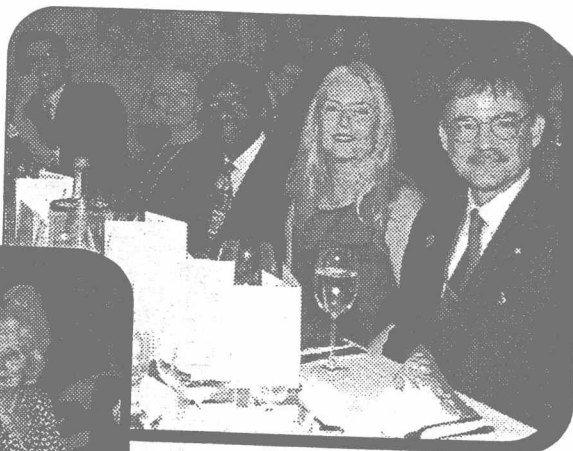


▲ N. Jasentuliyana presents the IISL Distinguished Service Award to Dr. Kai-Uwe Schrogl.

◀ IAF President Marcio Barbosa and the IAF Board of Trustees.



Treasurer Frans ▶  
von der Dunk,  
Vice President  
Marcia Smith, ICJ  
Judge Koroma,  
Patricia Sterns,  
Jeffrey Maclure.



▲ IISL President N. Jasentulyana with Dr. and Mrs. Fasan and Mr. and Mrs. Love.



Dr. and Mrs. Perek. ▶



▲ The finalists and  
Judges with IISL President  
N. Jasentulyana.



◀ Dr. Marietta  
Benkoe and  
Berndt Schmidt-  
Tedd presenting  
an homage to  
Mrs. Eilene  
Galloway, accept-  
ed on her behalf  
by her son Prof.  
Jonathan  
Galloway.

Prof. Isabella Diederiks- ▶  
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with Dr. Yun Zhao  
of Hong Kong.



▲ Dr. Tennen,  
Mrs. and Dr. Fasan,  
Dr. Ramirez de Arellano



◀ Moot Court World  
Finals at Landgericht  
in Bremen; University  
of Auckland team  
on left, Georgetown  
University School  
of Law team on right.

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