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**Information on the activities of international
organizations relating to space law**

Information on the activities of international organizations relating to space law

Note by the Secretariat

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I. Introduction

In accordance with the agreement reached at the forty-first session of the Legal Subcommittee (A/AC.105/787, para. 37) and endorsed by the Committee on the Peaceful Uses of Outer Space at its forty-fifth session,¹ the Secretariat invited international organizations to submit reports on their activities relating to space law for the information of the Subcommittee. The present document contains a compilation of the reports received by 10 January 2003.

* A/AC.105/C.2/L.237.

¹ *Official Records of the General Assembly, Fifty-seventh session, Supplement No. 20 (A/57/20)*, para. 139.



II. Replies received from international organizations

International Institute of Space Law

A. Background

1. The International Institute of Space Law (IISL) was founded by the International Astronautical Federation (IAF) in 1960 with the purpose of carrying out activities for fostering the development of space law and studies of legal and social science aspects of the exploration and use of outer space. IISL at present has individual and institutional elected members from over 40 countries, who are distinguished for their contributions to space law development. As IAF is an officially recognized observer at sessions of the Committee on the Peaceful Uses of Outer Space and its Scientific and Technical and Legal Subcommittees, members of IISL are entitled to be designated IAF observers to those sessions.

B. Recent activities

1. The 45th Colloquium on the Law of Outer Space

2. The 45th Colloquium on the Law of Outer Space was held in Houston, Texas, United States of America from 14 to 18 October 2002, during the Second World Space Congress. Approximately 100 persons attended the Colloquium and over 60 papers were presented in the following four topics: (a) space assets: legal aspects of financing and risk management; (b) the International Space Station and the law; (c) international security and military uses of outer space: legal implications; and (d) other legal matters, including legal aspects of launch services. The Colloquium concluded with a discussion session on the various papers that had been presented. IISL held a successful plenary event entitled "Space business in the early twenty-first century: more than telecom?" at which Antoine Bouvier, Chief Executive Officer of Astrium, Terry Hart, President of Loral Skynet, Jay Honeycutt, President of Lockheed Martin Space Operations and Pascale Sourisse, President of Alcatel Space expressed their views. A symposium on planetary protection, organized jointly by IISL, the Committee on Space Research and the International Academy of Astronautics was also held. Patricia Sterns co-chaired the legal/societal issues session of the symposium, the papers from which will be published in the IISL proceedings.

2. The eleventh Manfred Lachs Space Law Moot Court Competition

3. The eleventh Manfred Lachs Space Law Moot Court Competition was also held during the 45th Colloquium. The case for the eleventh Moot Court Competition dealt with legal issues relating to liability and the definitions of terms such as "spacecraft" and "outer space"; it was written by Ram Jakhu, with John Gantt and Bill Wirin. Preliminary rounds were organized at the regional level in Europe (among 7 teams), the United States (among 5 teams) and in the Asian and Pacific region (among 11 teams). The European round had a record number of teams participating in 2002, including, for the first time, teams from Germany and the United Kingdom of Great Britain and Northern Ireland.

4. The finals were judged by three judges from the International Court of Justice: Judge Koroma, Judge Buergenthal and Judge Elaraby. The winners of the final rounds were Victoria Williams, Kelly Gable, and Petra Vorwig of Georgetown University Law Center, Washington, D.C. The runner-up team of Victoria-Anne Davidson, Caroline Ang and Johanna O'Rourke was from the University of New South Wales, Sydney, Australia. The members of the second runner-up team, from the University of Warwick School of Law, United Kingdom, were Sethu Nandakumar and Sagee Sasikumar. The Sterns and Tennen Award for Best Oralist was won by Victoria Williams of the United States team and the Eilene M. Galloway Award for Best Brief was won by the Australian team.

5. For the first time, a brochure had been prepared for the world finals, which, apart from general information about IISL and the Moot Court Competition, gave a summary of the case, the full programme, the names of all the sponsors, judges and juries for written briefs in the semi-final and final, all the universities that had participated in each regional round, the names of the members of the three finalist teams, a list of all the prizes and awards and included a photograph of the Manfred Lachs trophy. The brochure was posted on the IISL web site.

6. Another major innovation for 2002 was that IISL commissioned a professional company to make a video recording and take digital photographs of the finals. Those could be used for educational purposes and for the promotion of the Moot Court Competition in regions where there was interest in the competition, but little experience of participation.

3. Awards

7. The Dr. I. H. Ph. Diederiks-Verschoor Award was awarded to Ricky Lee of Australia for his paper entitled "The *ius ad bellum* in outer space: the interrelation between Article 103 of the Charter of the United Nations and Article IV of the Outer Space Treaty". The Award, proposed and donated by Fernandez Brital of Argentina, is granted to the best paper presented at the IISL Colloquium by authors under the age of 40 years who have not published more than five papers in the proceedings of IISL Colloquiums. Four authors had submitted papers to compete for the Award. The Distinguished Service Award was awarded to Jonathan Galloway.

4. Publications

8. The following publications were published:

The Proceedings of the 44th Colloquium on the Law of Outer Space was published by the American Institute of Aeronautics and Astronautics.

The report of the Standing Committee on the Status of International Agreements Relating to Activities in Outer Space was printed in the IISL proceedings. The 2002 report was updated, made more user-friendly and posted on the IISL web site.

Stephen Doyle published his book on the history of IISL just in time for the Second World Space Congress. It was entitled "Origins of International Space Law and the International Institute of Space Law of the International Astronautical Federation" and published by Univelt (for details, see univelt.com/univeltpubs/index.html). Mr. Doyle described the origins of writing on

international space law and its early development. Beginning with legal works early in the twentieth century, the study traced the development of literature on space, the formation of organizations and the growth of international cooperation in the development of international space law. Mr. Doyle also described the activities of the 1950s, a period of increasing non-governmental international cooperation in astronautics. He traced origins of IISL and described the backdrop to the early development of IAF, listing the meetings held by both organizations from 1950 to 2002. He detailed the purposes, programmes, role and structure of IISL, and included annexes containing original and current membership rosters, a record of the awards given by the Institute and the Institute's current statutes and by-laws.

The proceedings of the Space Law Conference 2001: Legal Challenges and Commercial Opportunities for Asia, held in Singapore, were published in the Singapore Journal of International and Comparative Law and may be ordered at law.nus.edu.sg/sjicl/subscription.asp

C. Future activities

1. Regional Space Law Conference

9. The regional Space Law Conference 2003 on "Asia: a regional force in space", will be held in Beijing from 6 to 8 April 2003. The Conference is a follow-up to the first regional conference, which was held in Singapore in 2001. It is being organized by the China Institute of Space Law and IISL and is being sponsored by the China Aerospace Science and Technology Corporation and the Chinese Academy of Sciences. The sponsors have secured strong support for the Conference from the Chinese Society of Astronautics.

10. A brochure on the Conference has been distributed in Houston, Texas, United States, and the programme and registration information are posted on the IISL web site. The Conference will focus on the following session topics: (a) national space programmes, policies and legislation in Asia; (b) trade issues, including insurance, financing, asset protection, export controls; (c) the commercial use of space, including launching; (d) the protection of developing countries' interests, including access to space; and (e) space applications: remote sensing and telecommunications.

2. The 46th Colloquium on the Law of Outer Space

11. The 46th Colloquium on the Law of Outer Space will be held from 29 September to 3 October 2003 in Bremen, Germany. The Colloquium will have the following session topics:

(a) New issues relating to nuclear power sources. This session will address legal issues relating to the use of nuclear devices (including radioisotope heating units, radioisotope thermoelectric generators and nuclear reactors) for space operations (including heat, power and propulsion) in Earth orbit, beyond Earth orbit or for launching spacecraft from the surface of the Earth;

(b) Space traffic management and navigation. This session will cover the national and international legal and institutional implications of the management of space traffic and the navigation of space vehicles, for example, through global navigation satellite systems (GNSS). This topic includes the relationship between

the general principles of space law and the establishment of future space standards and recommended practices. It may be noted that the topic will also be addressed in a technical space debris symposium; thus both sessions could possibly be scheduled on the same day so that the technical aspects can be dealt with in the morning and the legal aspects in the afternoon;

(c) Space law and international security. This session will address questions of missile non-proliferation (new international code proposed for missile technology control regime and related issues;

(d) Other legal matters. This session would refer to the fortieth anniversary of the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (General Assembly resolution 1962 (XVIII)), achievements and the future development of space law.

The 47th Colloquium on the Law of Outer Space will be held in Vancouver, Canada, from 4 to 8 October 2004.

3. The twelfth Manfred Lachs Space Law Moot Court Competition, 2003

12. The twelfth Manfred Lachs Space Law Moot Court Competition will be held during the 46th Colloquium. The case concerning the mineral exploitation of Boznêmcová and related incidents (*Vesta v. Ceres*) was written by Michael Davis and Ricky Lee, both from Australia. Three judges of the International Court of Justice will be invited to judge the finals.

13. Work on the finals of the 2003 competition is already well under way. Regional rounds will be held in the Asian and Pacific region, Europe and the United States and information about each round and the case is posted on the IISL web site at www.spacemoot.org. Fifteen teams from the Asian and Pacific region are expected to compete in 2003, including those from countries and territories that have not previously entered the competition, such as China, the Hong Kong Special Administrative Region of China, Malaysia, the Philippines and Viet Nam.

14. In the Chinese national round, the Tsinghua University, the China University of Political Science and Law, the Beijing Technology and Business University and other institutions will join the competition, which will be held during the regional Space Law Conference, to be held in Beijing from 6 to 8 April 2003. Experts from the Chinese Foreign Ministry and the Supreme People's Court of China will judge the competition. The winner of the national round will take part in the Asian and Pacific regional round, to be held in Sydney, Australia, in May 2003.

15. Several Eastern European countries (including Poland) have expressed a desire to take part in the competition, thus their participation can be expected in the future. Another important development is the decision made by the association of United States members of IISL to open up its round to teams from Canada and Mexico. The probability of there being a new regional round for South America has diminished in view of the current economic situation in many countries of the region.

16. The thirteenth Manfred Lachs Space Law Moot Court Competition will be held in Vancouver, Canada, in 2004. The problem for 2004 will probably relate to the commercialization of the International Space Station. André Farand of Canada and the European Space Agency have been invited to write the case. Preliminary

discussions have already taken place for the holding of the fourteenth Manfred Lachs Space Law Moot Court Competition in Fukuoka, Japan, in 2005.

4. The International Institute of Space Law and European Centre for Space Law workshop

17. IISL and the European Centre for Space Law (ECSL) will organize a workshop for the delegates of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space in the afternoon of 24 March 2003. Arnel Kerrest and the IISL Treasurer will work with the IISL Secretary and Gabriel Lafferranderie of ECSL to arrange the activities for the workshop and the event will be chaired by Ambassador Peter Jankowitsch of Austria.

5. Future publications

18. The Proceedings of the 45th Colloquium on the Law of Outer Space will be published by the American Institute of Aeronautics and Astronautics.

IISL will continue to prepare material for the United Nations annual review of developments in international cooperation and space law entitled "Highlights in Space". The IISL contribution to the report will be drafted by Stephan Hobe of Germany and Stephen Doyle of the United States.

IISL will continue to submit an annual report on the activities of the IISL to the Committee on the Peaceful Uses of Outer Space. In 2003, the report will be drafted by Ram Jakhu of Canada.

The IISL web site, at www.iafastro-iisl.com has many new features such as an index of the proceedings of IISL colloquiums and an extensive list of space-related links and is being regularly updated.

International Law Association

A. Seventieth conference of the International Law Association

1. The seventieth Conference of the International Law Association was held in New Delhi from 2 to 7 April 2002. The Space Law Committee submitted its "Final report on the review of space treaties in view of commercial space activities: concrete proposals", which had been prepared by Maureen Williams, who holds the Chair of Public International Law at the University of Buenos Aires and is a career scientist of the National Council of Scientific and Technical Research of Argentina. Stephan Hobe of the German Branch, Director of the Institute of Air and Space Law of the University of Cologne, is to succeed Maureen Williams as the Committee's General Rapporteur.

2. The working session in New Delhi was chaired by Ove Bring of Sweden, who presented the results of the work of the Committee and the concrete proposals regarding possible amendments of, as well as possible supplements to, the United Nations space law instruments in view of commercial space activities that had been prepared in pursuance of the mandate of the sixty-ninth Conference of ILA to the plenary session of the seventieth Conference. The session focused on the four major space treaties in force, that is, the Treaty on Principles Governing the Activities of

States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies of 1967 (General Assembly resolution 2222 (XXI), annex, the “Outer Space Treaty”), the Convention on International Liability for Damage caused by Space Objects of 1972 (resolution 2777 (XXVI), annex, the “Liability Convention”), the Convention on Registration of Objects Launched into Outer Space (resolution 3235 (XXIX), annex, the “Registration Convention”) and the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies of 1979 (resolution 34/68, annex, the “Moon Agreement”). The analysis of those treaties was carried out with a view to establishing their consistency with the present international context and was entrusted, respectively, to Stephan Hobe, Maureen Williams, Vladimir Kopal of the Czech/Slovak branch and Frans von der Dunk of the Netherlands Branch.

3. The Outer Space Treaty was considered flexible enough to meet the legal requirements underlying the activities of private entities in outer space and only minor changes were called for in connection with articles VI (on the authorization and supervision of space activities carried out by non-governmental entities) and VIII (on registration). To that end, the Special Rapporteur proposed a brief, separate protocol to the Treaty.

4. The Special Rapporteur on the Liability Convention concluded that the moment was not propitious for introducing substantial changes such as a sharp move towards compulsory jurisdiction, as the space-faring countries were not supportive of such changes. The recommendation was to retain the Convention in its current form and encourage States Parties to make a declaration accepting the compulsory nature of decisions and awards stemming from the Claims Commission in accordance with article XIX of the text. That recommendation was similar to the view expressed by some delegations to the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space in 1998 (A/AC.105/698, para. 56).

5. The Registration Convention, in the view of the Special Rapporteur, needed some technical and other clarification in order to facilitate the identification of a space object causing damage, which could be done by means of a separate instrument such as a General Assembly resolution without introducing amendments to the original Convention. The need to agree on certain definitions in the current international context, including “space object” and “launching State”, was emphasized.

6. The Moon Agreement was found to be in need of substantial changes, given the low number of ratifications to date. The Special Rapporteur suggested a number of amendments, in particular concerning the establishment of an international regime, as envisaged in the 1979 text, to govern the exploitation of the natural resources of the Moon as this was about to become feasible. The words “common heritage of mankind” contained in article 11 were open to interpretation and, after a lively discussion with numerous contributions from the floor, it was decided to keep it as it read, albeit on the basis of a compromise text drafted by Stephen Hobe and agreed by the working session. The report and draft resolution were adopted without dissent by the working session and subsequently also by the plenary meeting of the Conference. Both documents reflected the major points made during the Committee’s work of the previous four years and contained concrete proposals regarding the consistency of the space treaties in force with the present world scenario and state of the art.

7. In that way, at the end of four years' work from the sixty-eighth to the seventieth ILA conferences, the Space Law Committee concluded its discussion of the topic "Review of space law treaties in view of commercial space activities: concrete proposals" and would move on to the study of the legal aspects of the privatization and commercialization of space activities, with special reference, in the first stage, to remote sensing and the force of satellite data as evidence in national and international tribunals and national space legislation. A first report on the topic would be submitted to the seventy-first ILA Conference, to be held in Berlin in August 2004.
