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Information on the activities of international organizations relating to space law

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Note by the Secretariat

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*A/AC.105/C.2/L.247.



I. Introduction

In accordance with the agreement reached by the Legal Subcommittee at its forty-second session (A/AC.105/805, para. 56) and endorsed by the Committee on the Peaceful Uses of Outer Space at its forty-sixth 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 6 February 2004.

II. Replies received from international organizations

European Centre for Space Law

A. Background

1. The European Centre for Space Law (ECSL) was set up in 1989 under a charter that was revised in 2001 and to which persons adhere without committing those legal entities to which those persons belong. ECSL is administered by a Board and the Chairman of the Board is elected at the biennial general assembly. The Chairman is assisted by an executive secretary. ECSL activities are carried out by national points of contact of member States of the European Space Agency (ESA). The main output of ECSL consists of summer courses, practitioners' forums, workshops, conferences, newsletters and the ECSL legal database, previously called ESALEX (space law database).

B. Recent activities

1. Report of the Group of Experts on the Ethics of Outer Space

2. In 2003, ECSL actively cooperated with the Group of Experts on the Ethics of Outer Space, as well as with the World Commission on the Ethics of Scientific Knowledge and Technology of the United Nations Educational, Scientific and Cultural Organization, in the preparation of the Report of the Group of Experts on the Ethics of Outer Space. The report was finalized in Vienna on 19 February 2003 and was submitted in March 2003 to the Legal Subcommittee at its forty-second session.

2. Workshop on a French national space law framework

3. Representatives of ECSL attended the European-level colloquium on a legal framework for activities in outer space organized by the Ministry of Research and New Technologies of France and held in Paris on 13 March 2003 in order to present and debate the results of their work related to legislation on a national framework for the conduct of space activities. The Chairman of ECSL was invited to attend and contribute to the preparatory work on the drafting of a framework law for space

¹ *Official Records of the General Assembly, Fifty-eighth session, Supplement No. 20 (A/58/20)*, para. 164.

activities. That exchange of views will support the coordinated growth of space legislation in Europe.

3. Practitioners' Forum 2003

4. Every year, ECSL organizes a practitioners' forum, a one-day event for professionals on current issues relevant to space law. Due to the relevance of the topic, it was decided in 2003 to analyse the legal and institutional aspects of the joint European Union/European Space Agency satellite-based navigation programme initiative called Galileo. Representatives of government agencies, international organizations, banks, insurance companies and academics gathered to discuss the legal and institutional framework of the programme. The one-day event took place on 14 March 2003, at the Headquarters of ESA and was an overwhelming success, with more than 150 participants attending.

4. International Institute of Space Law/European Centre for Space Law symposium on space law, 2003: Reinforcing the Registration Convention

5. The annual International Institute of Space Law (IISL)/European Centre for Space Law symposium on space law was held in Vienna on 24 March 2003 during the forty-second session of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space. The topic, "Reinforcing the Registration Convention", was chosen in the light of recent developments such as the in-orbit sale of satellites and the deployment of large satellite constellations by private consortia, etc., which could require a review of some of the provisions of, or gaps left by, the 1976 Convention on Registration of Objects Launched into Outer Space (General Assembly resolution 3235 (XXIX), annex). The speakers came from a variety of regions and backgrounds, including Europe, the United States of America and South America, as well as from industry, academia and international organizations.

5. International Institute of Space Law Manfred Lachs Space Law Moot Competition

6. The European preliminaries of the Manfred Lachs Moot Court Competition of IISL were held at the Centro Internazionale di Studi Gentiliani in San Ginesio, Italy. Five teams competed and the University of Bremen, Germany, won the European round. The team went on to compete with New Zealand and the United States during the International Astronautical Federation (IAF) World Space Congress, held in October 2003.

6. Workshop on new trends in space law

7. The workshop on new trends in space law was organized by the Institute of International and European Union Law of the University of Macerata in cooperation with ECSL, the Centro Internazionale di Studi Gentiliani and the Institute of International Legal Studies in Rome. The workshop was intended to provide an overview of evolutionary trends in space law in the twenty-first century. The concept of the launching State, the legal aspects of solar system energy sources and recent developments in the functions of the International Telecommunication Union (ITU), all subjects of great relevance at the international level, were discussed.

7. Workshop on the protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment

8. A workshop was held at the ESA premises on 5 September 2003 on the preliminary draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment. The workshop was organized by the International Institute for the Unification of Private Law (Unidroit), with the assistance of ECSL. Attending the workshop were 100 participants and representatives of the Governments of 15 member States of Unidroit (Argentina, Brazil, Canada, the Czech Republic, France, Germany, Greece, Italy, Mexico, the Netherlands, Portugal, the Russian Federation, Switzerland, Turkey and the United States), 7 intergovernmental organizations (the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT), the European Organization for the Safety of Air Navigation (EUROCONTROL), ESA, Unidroit, the International Mobile Satellite Organization (IMSO), the Organisation for Economic Cooperation and Development (OECD) and the Office for Outer Space Affairs of the Secretariat), 3 international non-governmental organizations (ECSL, IISL and the Space Working Group of Unidroit) and a broad cross-section of the world's aerospace industry and financial community. The proceedings of the workshop are now available.

8. Twelfth European Centre for Space Law summer course on space law and policy

9. The twelfth ECSL summer course on space law and policy was held at the Catholic University of Leuven, Belgium, from 1 to 12 September 2003, with the financial support of the Belgian Federal Science Policy Office. A total of 40 students and 4 tutors from Austria, Belgium, Finland, France, Germany, Greece, Hungary, Italy, Poland, the Republic of Korea, Spain and the United Kingdom of Great Britain and Northern Ireland attended the two-week intensive course, indicating a rising interest in the programme. The 2003 summer course focused on satellite applications and sustainable development; students represented developed and underdeveloped geographical regions and had to negotiate a code of conduct for the transfer of space technology. Once again, the event was successful and the content of each module was remarkable in quality. Discussions are under way with several European universities to award credits to students attending the ECSL summer course on space law and policy. The proceedings of the course will be made available both in hard copy and on CD-ROM.

9. Fifty-fourth International Astronautical Congress

10. The fifty-fourth International Astronautical Congress was held in Bremen, Germany, from 29 September to 3 October 2003. During the one-week Congress, cutting-edge papers and workshops were presented in order to have fresh news from the space community and the world finals of the Manfred Lachs Space Law Moot Court Competition were held.

C. National points of contact

11. During the period 2001-2003, two new national points of contact were set up: the Catholic University of Leuven, Belgium, where the ECSL summer course was held in September 2003, and the University of Graz, Austria, which will host the ECSL summer course in 2004.

D. European Centre for Space Law newsletter

12. ECSL continued to publish its newsletter (the latest issue was No. 26), with articles on legal issues and other topics relevant to the space sector. The ECSL newsletter is an invaluable tool for disseminating information not only on developments in space law, but also on other events (conferences, workshops, and so forth) relevant to the space sector and space applications being organized around the world.

E. European Centre for Space Law legal database

13. Work is in progress to revitalize the legal database on space law, formerly called ESALEX and to make it easier to use and access. The ECSL legal database is expected to be up and running by early 2004.

F. Scholarships

14. Within the limits of its resources, ECSL sponsored students or institutions researching and working on space topics. Two scholarships, each worth 1,500 euros, were awarded: one to the University of Paris XI, Sceaux, France, and one to Queen Mary's College, University of London, United Kingdom.

G. Some institutions teaching space law

Université Paris-Sud XI, Faculté Jean Monnet, Paris

15. On 30 September 2002, the members of the space law education community celebrated the inaugural ceremony of the recently accredited French postgraduate degree in space and telecommunications law. The diploma was created with the support of national and European space institutions and companies. It aims at meeting the needs of young and highly qualified graduates and opens up new perspectives, as it is the first postgraduate degree in the world to combine space law and telecommunications law. More than 250 people attended the ceremony, including academics and practitioners from prestigious institutions and businesses in the space and telecommunications sectors. Also attending the session were 20 enthusiastic students of the first class, who are sponsored by the Centre national d'études spatiales of France and who represent 10 nationalities, including eight ESA member States. The programme for the academic year 2003/04 is being sponsored by ESA. Further information may be obtained from the Faculté Jean Monnet, Service du troisième cycle, 54 Boulevard Desgranges, 92331 Sceaux Cedex (tel.: +(33) (1) 4091 1763).

University of Cologne, Germany

16. Stephan Hobe regularly teaches a course on air and space law during the summer semester. Upon request, successful participation can be certified if an examination is taken. In addition, a seminar on air and space law is offered regularly during the winter semester. Both students and practitioners make presentations and share their experience. During the winter semester of the academic year 2002/03, the seminar dealt with international economic legal problems of the air and space business. Currently, two doctoral theses are under way. Further information may be obtained from Stephan Hobe, Institute of Air and Space Law, University of Cologne, Albertus Magnus Platz, D-50923 Cologne (tel.: +(49) (221) 470 2337; fax: +(49) (221) 470 4968; e-mail: stephan.hobe@uni-koeln.de).

Leiden University, Netherlands

17. For the third year, the International Institute of Air and Space Law at Leiden University has offered a full-year, postgraduate Master of Laws programme in international air and space law. A selected group of approximately 13 participants from all over the world come to Leiden. The group consists more or less equally of participants who have just finished law studies and those who have already worked for some years in one of the applicable sectors. The programme consists of five main courses (public air law, private air law, space law: treaties and law-making, space law: applications, institutions and national law and European aerospace law), a few additional courses, an internship with a government agency, inter-governmental organization, commercial company or law firm substantially engaged in either air or space law and finally a thesis. Further information may be obtained from Ulrich Theis, LLM Coordinator, International Institute of Air and Space Law, Leiden University, Hugo de Grootstraat 27, 2311 XK Leiden, Netherlands (tel.: +(31) (71) 527 7724; e-mail: U.Theis@Law.Leidenuniv.nl) or from the Institute's web site (<http://athena.leidenuniv.nl/rechten/publiekrecht/>).

Queen Mary's College, University of London, United Kingdom

18. Space law is increasingly important for the private sector and the legal practitioner in view of the growing commercialization of space activities. The course offered at Queen Mary's College consists of 14 two-hour lectures and covers international and municipal legal regimes of space law and the working of relevant international institutions. The first part of the course introduces the space environment and space technology. It covers the five United Nations treaties and principles on outer space, including the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (General Assembly resolution 2222 (XXI), annex) (Outer Space Treaty) and the Convention on International Liability for Damage Caused by Space Objects (General Assembly resolution 2777 (XXVI), annex). Other issues include the peaceful uses of outer space, environmental protection and space debris, resolution of space disputes, and the work of intergovernmental agencies, including the role of ITU in regulating the use of space radio frequencies and the geostationary orbit. The second part of the course focuses on particular space applications and the commercialisation of space activities, including regulations and the licensing of commercial satellite activities; satellite communications, direct television broadcasting; remote sensing, the protection of

intellectual property rights; global navigation satellite services, including the Galileo programme of the European Union; the use of satellite launchers such as the Space Shuttle and Ariane; contractual conditions for the purchase, manufacture and financing of satellites; and space insurance. The course will run from February to April 2004 and is open to postgraduate law students and practising lawyers. Further information may be obtained from Mary Heanue, Administrator, Institute of Computer and Communications Law, Centre for Commercial Law Studies, Queen Mary's College, University of London, 13 Charterhouse Square, London, EC1M 6AX (tel.: +(44) (20) 7882 5725; fax: +(44) (20) 7882 5767; e-mail: admin@iccl.ccls.edu).

University of Aberdeen, Scotland, United Kingdom

19. Francis Lyall has been teaching an undergraduate course in space law at the University of Aberdeen School of Law, Scotland, United Kingdom, since 1990. The course began with air and space law, but, since 1992, has dealt with space law only. The present topics are sources; the boundary question; matters of control, registration and liability; international telecommunications organizations; ITU; and remote sensing. The course has become well known and student numbers range around 50. Only a few students have, however, gone on to further master's work in space law. Two or three have gone into practice and work on space law or space-related matters. Most of the students are from the United Kingdom, although, occasionally, a Socrates or Erasmus exchange student has taken the course. Apart from the honours course, Frances Lyall has recently supervised one Master of Laws thesis on satellite broadcasting policy in Asia. A doctoral thesis on remote sensing and the developing countries is currently under way. Further information may be obtained from Francis Lyall, University of Aberdeen School of Law, Taylor Building, Room C31, Aberdeen AB24 3UB, Scotland, United Kingdom (tel.: +(44) (1224) 272441; fax +(44) (1224) 272442; e-mail: law015@abdn.ac.uk).

H. Future activities

20. The following events are scheduled to be held in 2004:

(a) Towards a Harmonized Approach for National Space Legislation in Europe, the German Aerospace Centre and the Institute of Air and Space Law of the University of Cologne, Berlin, 29-30 January 2004;

(b) Forty-first session of the Scientific and Technical Subcommittee of the Committee on the Peaceful Uses of Outer Space, Vienna, 16-27 February 2004;

(c) ECSL Practitioners' Forum: New Issues in Earth Observation and Data Policy", ESA, Paris, 12 March 2004;

(d) Manfred Lachs Space Law Moot Court Competition, European Round, European Space Agency/European Space Research and Technology Centre, Noordwijk, Netherlands, 25 March 2004;

(e) IISL/ECSL workshop: New Developments and the Legal Framework Covering the Exploitation of the Resources of the Moon, Vienna, 29 March 2004;

(f) Natural disasters and the role of remote sensing by satellite: economic and legal considerations, Centre régional de télédétection des Etats de l'Afrique du Nord—ECSL, Algiers, 26-27 May 2004.

European Space Agency

Information on the activities of the European Space Agency

1. ESA continued to be represented at the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space and at its working groups.

2. The space law topics that ESA focused its attention on are as follows:

(a) ESA hosted the Unidroit workshop on the preliminary draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment that was held on 5 September 2003. The broad interest that the workshop raised is evidenced by the fact that over 100 participants attended;

(b) ESA participated actively in the ECSL Practitioners' Forum that was held at ESA headquarters on 14 March 2003. The topic was the legal and institutional aspects of the Galileo programme and the event attracted over 150 participants;

(c) Several lectures were given by representatives of the ESA Legal Department at the International Space University during the summer and regular sessions, at the ECSL summer course, at the Faculty of Law of the Catholic University of Leuven, at the Institut de formation universitaire et de recherche du transport aérien in Aix-en-Provence and at the University of Paris-Sud XI. The lectures focused on the legal implications of the following topics:

(i) Space application programmes: using outer space as a tool for Earth observation; the management of natural resources and disasters; telecommunications and transport, such as navigation via satellite and related liability issues;

(ii) Cooperation on the International Space Station: the three-layered structure of space station agreements: an intergovernmental agreement signed by 15 partner States, four similarly-worded memorandums of understanding between the National Aeronautics and Space Administration of the United States and each of the other cooperating agencies and a series of implementing arrangements;

(iii) The international space institutions and related activities, regulatory acts and policies, as well as European space institutions.

3. Together with the University of Paris-Sud XI in Sceaux and the World Commission on the Ethics of Scientific Knowledge and Technology of the United Nations Educational, Scientific and Cultural Organization, ESA initiated a new research project on the legal implications of the activities of astronauts, for example, to identify the rules applying to the utilization of the astronaut image for commercial purposes or to the basic private rights of an astronaut carrying out activities in an enclosed environment, such as the one imposed by a space facility at the International Space Station.

4. The results of an internal study on planetary protection in public international law were presented by a representative of the legal department of ESA at the 46th Colloquium on the Law of Outer Space of IISL, during the fifty-fourth International Astronautical Congress, held in Bremen, Germany, from 29 September to 3 October 2003.
5. The role of ESA in international space cooperation agreements was described in a report given to the United Nations/International Institute of Air and Space Law Workshop on Capacity-Building in Space Law, held in The Hague from 18 to 21 November 2002.
6. Finally, ESA continued to support its member States' initiatives with regard to their respective national space legislation.

International Institute of Space Law

A. Background

1. IISL was founded by 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 Subcommittee and Legal Subcommittee, members of IISL are entitled to be designated IAF observers at those sessions.

B. Recent activities

1. 46th Colloquium on the Law of Outer Space

2. The 46th IISL Colloquium on the Law of Outer Space was held in Bremen, Germany, from 29 September to 3 October 2003. Approximately 80 persons attended the Colloquium and over 60 papers were presented during the following five sessions: (a) legal aspects of applications and private space activities; (b) space treaties, law and policies and telecommunication issues; (c) space law and international security; (d) space traffic management and navigation; and (e) new issues relating to nuclear power sources. The Colloquium concluded with a discussion session on the various papers that had been presented at the sessions. IISL also held a successful plenary event entitled "Space business: Emerging profitability in space", at which Stéphane Chenard, Executive Vice-President of Euroconsult in France, Wilfried Bornemann, Director, Navigation and Constellations of Astrium Earth Observation, Navigation and Science in Germany, Roscoe Moore III, President of PeerSat in the United States, Robert Z. Dalal, Chief Executive Officer of Space Imaging in the United States, Ramin Khadem, Chief Financial Officer of Inmarsat Ventures in the United Kingdom and K. R. Sridhara Murthi, Executive Director of Antrix Corporation in India expressed their views.

2. Twelfth Manfred Lachs Space Law Moot Court Competition, 2003

3. The twelfth Manfred Lachs Space Law Moot Court Competition was also held during the 46th Colloquium. The case for the twelfth Moot Court Competition dealt with legal issues relating to the mineral exploitation of Boznêmcová and related incidents (*Vesta v. Ceres*). It was written by Michael Davis and Ricky Lee, both from Australia. Preliminary rounds were organized at the regional level in Europe (among 5 teams), in the United States (among 7 teams) and in the Asian and Pacific region (among 13 teams).

4. The finals were judged by Gilbert Guillaume (France), Abdul Koroma (Sierra Leone) and Vladlen Vereshchetin (Russian Federation), judges of the International Court of Justice. The winner of the final round was the University of Auckland, New Zealand. The runner-up was Georgetown University Law Center, Washington, D.C., and the second runner-up was the University of Bremen, Germany. The Sterns and Tennen Award for Best Oralists was won by Petra Vorwig of the United States team, and the Eilene M. Galloway Award for Best Written Brief was won by the German team. The European Aeronautic Defence and Space Company and the German Aerospace Centre kindly sponsored the 2003 world finals and the IISL dinner.

3. Awards

5. The Dr. I. H. Ph. Diederiks-Verschoor Award was awarded to Gerardine Goh of Singapore for her paper entitled “TINTALLE: kindling international security with space law”. The Award, proposed and donated by Oscar 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. Six authors submitted papers to compete for the Award. The Distinguished Service Award was awarded to Kai-Uwe Schrogl of Germany.

4. Publications

6. The following publications were published:

(a) The proceedings of the 45th Colloquium on the Law of Outer Space were published by the American Institute of Aeronautics and Astronautics;

(b) The report of the Standing Committee on the Status of International Agreements Relating to Activities in Outer Space was prepared by Andrei Terekhov and published in the IISL proceedings.

C. Future activities

1. Regional Space Law Conference

7. The Regional Space Law Conference on “Asia: a regional force in space”, which had been scheduled for April 2003, had to be postponed as a result of the outbreak of Severe Acute Respiratory Syndrome (SARS). The Conference has been rescheduled and will take place in Beijing from 25 to 27 April 2004. It is being organized by the China Institute of Space Law and IISL and is being 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.

8. The programme of the Conference has been updated and slightly revised and has been posted on the IISL and IAF web sites. 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 and export controls; (c) the use of global navigation satellite systems (GNSS) and their benefits for the Asian region; (d) the commercial use of space, including launching; (e) the protection of developing countries' interests, including access to space; and (f) remote sensing and 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. More information is available at the IISL web site.

2. 47th Colloquium on the Law of Outer Space

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

(a) *New developments in national space legislation.* This session will focus on new developments in national space legislation, dealing with issues such as the involvement of private entities, the regulatory and/or participatory roles of Governments and the impact of international cooperation at the domestic level, specifically addressing developments regarding further implementation of existing national space legislation, and initiatives to establish new national space legislation;

(b) *International law and practice of agreements on cooperation concerning space activities.* This session will address the practices with regard to cooperative agreements, including those involving developing countries, and will focus on multilateral and bilateral agreements formalizing cooperation among Governments and space agencies. The multilateral agreements addressed will include those regarding telecommunications, the International Space Station (including the memorandums of understanding at the level of space agencies) and GNSS. The bilateral agreements addressed will include those regarding specific space projects, such as regulating the use of spaceports (Alcantara, Baikonur) by foreign governments and operators, and those on the use of remote sensing data from the Land Remote Sensing Satellite (Landsat), the Environmental Satellite (ENVISAT), the Satellite pour l'observation de la Terre (SPOT) and the Synthetic Aperture Radar Satellite (RADARSAT);

(c) *A general convention on space law?* This session will cover aspects of the desirability or otherwise of the development 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; and

(d) *Other legal matters.* The topics of these sessions will be decided after review of the abstracts received.

The 48th Colloquium on the Law of Outer Space will be held in Fukuoka, Japan, from 17 to 21 October 2005.

3. Thirteenth Manfred Lachs Space Law Moot Court Competition, 2004

10. The thirteenth Manfred Lachs Space Law Moot Court Competition will be held in Vancouver, Canada, during the 47th Colloquium. The case concerning the commercialization of a space station (*Palladia v Zirconia*) was written by André Farand, Ricky Lee, Frans von der Dunk and John Gantt. Three judges of the International Court of Justice will be invited to judge the finals. Work on the finals of the 2004 competition is already well under way.

11. Regional rounds will be held in the Asian and Pacific region, Europe and the United States. Information about each round and the case are on the IISL web site (www.spacemoot.org). For the Asian and Pacific rounds, China is again organizing a national round and the Indian Space Research Organization is organizing a round for teams from India to obtain funding to take part in the Asian and Pacific round, to be held in Sydney, Australia, in March 2004.

12. The European round is expected to be held at the European Space Research and Technology Centre in the Netherlands, in cooperation with the International Institute of Air and Space Law of Leiden University. The round is planned to be covered by a live webcast.

13. The Association of United States members of the International Institute of Space Law has invited teams from Canada and Mexico to take part in what has been renamed the North American round.

4. International Institute of Space Law and European Centre for Space Law symposium

14. IISL and ECSL will organize a symposium for delegates of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space on the afternoon of 29 March 2004 on new developments and the legal framework covering the exploitation of the resources of the Moon. Ambassador Peter Jankowitsch of Austria will chair the symposium.

5. Future publications

15. The proceedings of the 46th Colloquium on the Law of Outer Space will be published by the American Institute of Aeronautics and Astronautics.

16. IISL will continue to prepare material for the United Nations annual review of developments in international cooperation and space law, *Highlights in Space*, under contract with the United Nations.

17. IISL will continue to submit an annual report on its activities to the Committee on the Peaceful Uses of Outer Space.

18. The IISL web site (www.iafastro-iisl.com) is being regularly updated.

19. IISL will prepare an update of its bibliography of IISL proceedings, covering the period 1996-2003.

International Law Association

A. Information on the activities of the International Law Association

1. On the occasion of the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III), held in Vienna in July 1999, the International Law Association (ILA) submitted a report on its activities relating to space law, which were initiated in New York, United States, in 1958 during its forty-eighth international conference.² Since then, the Space Law Committee of ILA, established by the 1958 conference, has reported on its work to the biennial conferences of ILA, which was founded in Brussels in 1873.

2. ILA reports annually to the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee on the progress of its work on space law.³ For more detailed information, reference should be made to the ILA conference reports (in book format), which reflect the work of the Space Law Committee of ILA, including the surveys and debates conducted during the working sessions of each conference, as well as the resolutions adopted by ILA.

3. The most recent biennial conferences were held in London in 2000 and New Delhi in 2002. At the sixty-ninth conference, held in London, the Space Law Committee was involved with the review of space law treaties in view of commercial space activities and at the seventieth conference, held in New Delhi, in the last stage of research on that topic, the Committee submitted its final report on the review of space law treaties in view of commercial space activities: concrete proposals.

4. The seventy-first conference of ILA will be held in Berlin in August 2004. The Chairperson of the Committee, Maureen Williams, of the University of Buenos Aires, and the General Rapporteur, Stephan Hobe, of the University of Cologne, Germany, will report on selected aspects of commercial activities in outer space.

5. The members of the Space Law Committee are specialists of great renown, many of whom are well known to members of the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee. The headquarters of ILA are in London. Lord Slynn of Hadley is Chairman of the Executive Council of ILA; and A.H.A. Soons is Director of Studies. During the 1990s, the Committee was chaired by Karl-Heinz Böckstiegel and the General Rapporteur was Maureen Williams.

² See *Space Activities of the United Nations and International Organizations* (United Nations publication, Sales No. E.99.I.24), chap. IV, sect. F. Special reference was made to the Buenos Aires International Instrument on the Protection of the Environment from Damage caused by Space Debris, which was adopted by the sixty-sixth conference of the International Law Association (ILA), held in Buenos Aires in 1994, and to the ILA draft convention on the settlement of disputes related to space activities adopted by the sixty-eighth ILA conference, held in Taipei, Taiwan Province of China, in 1998.

³ See "The role of the International Law Association in the development of the law of outer space", in *Project 2001: Legal Framework for the Commercial Use of Outer Space*, K. H. Böckstiegel, ed. (Berlin, Bonn Cologne and Munich, Carl Heymanns Verlag, 2002).

6. As in previous years, a report on the work of the Space Law Committee was submitted in 2003 to the Committee on the Peaceful Uses of Outer Space, with which ILA has permanent observer status.

7. In April 2003, at the forty-second session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, Niklas Hedman, of the Swedish branch of the ILA Space Law Committee, on the basis of a report prepared by Maureen Williams, referred to the conclusions of the seventieth conference and introduced various questions, which form part of the work of the Space Law Committee in preparation for the seventy-first conference. In June 2003, the General Rapporteur of the Space Law Committee, Stephan Hobe, of the German branch of the Committee made a presentation to the Committee on the Peaceful Uses of Outer Space concerning progress made, inter alia, on the various legal issues surrounding commercial space activities, in particular on the legal aspects of the privatization and commercialization of space activities, with special reference to remote sensing and national space legislation. Those are the present terms of reference of the Space Law Committee, whose findings will be reported to the seventy-first conference in August 2004.

8. To that end the Chairperson of the Space Law Committee invited two special rapporteurs for Remote Sensing, José Monserrat Filho of Brazil and Niklas Hedman of Sweden, who deal, respectively, with the position of developing and developed countries, and one Special Rapporteur for National Space Legislation, Frans von der Dunk of the Netherlands, to produce a preliminary study concerning the major issues involved.

9. The preliminary results were circulated in July 2003 and, having in mind the comments and suggestions provided by the members of the Space Law Committee and further developments of the law in that domain, the Chairperson and the General Rapporteur of the Space Law Committee are preparing the final report, to be submitted at the seventy-first Conference, which will consist of two closely interwoven sections, namely:

(a) A section on remote sensing will deal, inter alia, with Earth observation satellites and their predominantly commercial aspects, including a discussion to determine whether the Principles Relating to Remote Sensing of the Earth from Outer Space (General Assembly resolution 41/65, annex) are consistent with the present international context, the need to clarify certain concepts and terms, and the problems brought about by the use of satellite data in national and international courts, in particular as evidence in boundary disputes. The section has been entrusted to Maureen Williams;

(b) A section on national space legislation will take into account the progress made by developed and developing countries on the topic, especially in connection with article VI of the Outer Space Treaty and the scope and implications of the requirements of "authorization" and "supervision" of private entities carrying out activities in outer space, an issue on which Stephen Hobe had proposed an additional protocol, which was adopted in 2002 by the seventieth conference of ILA. The section on these aspects was entrusted to Mr. Hobe.

B. Status and application of the five United Nations space treaties

10. The topic of the status and application of the five United Nations space treaties is closely related to the work of the Space Law Committee of ILA in preparation for its sixty-ninth and seventieth international conferences. Reports on the results of those conferences were submitted to the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.⁴

C. Relationship of the International Law Association Space Law Committee with regional organizations: the Ibero-American Institute of Air and Space Law

11. The Ibero-American Institute of Air and Space Law, which brings together Spanish- and Portuguese-speaking States involved in the study and development of air and space law, has special consultative status with the Economic and Social Council. At its last annual congress, held in Montevideo from 15 to 17 October 2003, the Executive Council of the Institute decided to pursue research in the field of remote sensing, with special reference to the problems arising from digital maps increasingly submitted as evidence to national and international courts.

12. At a number of its annual meetings, the Ibero-American Institute endorsed the work and conclusions of the Space Law Committee of ILA. Similarly, reference to the contributions of the Institute may be found in the resolutions adopted at ILA conferences. The Institute will cooperate, together with the organizations and universities mentioned in resolution 1/2002 adopted at the seventieth conference of ILA,⁵ in the elucidation of the problem of the regulation of remote sensing of the Earth from outer space, which was initially addressed in 2001 by a working group within the British Institute of International and Comparative Law.⁶ To that end, a study group is being set up, within the framework of the Ibero-American Institute, which is expected to announce its preliminary findings in the forthcoming months.

13. Further information and details concerning the work of the Space Law Committee of ILA may be obtained from the Chairperson of the Space Law Committee of the International Law Association, Maureen Williams, Migueletes 923, C1426BUK, Ciudad de Buenos Aires, Argentina.

⁴ The text submitted to the Working Group on the Status and Application of the United Nations Treaties on Outer Space will be made available to the Legal Subcommittee at its forty-third session.

⁵ Resolution 1/2002, "Review of space treaties in view of commercial space activities: final report and concrete proposals", seventieth Conference of the International Law Association, New Delhi, 2-6 April 2002.

⁶ The working group on Earth observation data in the legal sector of the British Institute of International and Comparative Law (BIICL) was composed of lawyers and experts with considerable experience in the interpretation of satellite-collected data in national and international courts. A panel reported on the matter to the Annual Conference of BIICL on 22 June 2001.