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Item 6 of the provisional agenda\*  
**Information on the activities of international  
intergovernmental and non-governmental organizations  
relating to space law**

## **Information on the activities of international intergovernmental and non-governmental organizations relating to space law**

**Note by the Secretariat**

### **I. Introduction**

The present document was prepared by the Secretariat on the basis of information received by 22 January 2010 from the following international non-governmental organizations: European Centre for Space Law, International Institute of Space Law and International Law Association.

### **II. Replies received from international intergovernmental and non-governmental organizations**

#### **European Centre for Space Law**

##### **A. Background information**

###### **1. Introduction**

The European Centre for Space Law (ECSL) was established in 1989, on the initiative and under the auspices of the European Space Agency (ESA), with the

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\* A/AC.105/C.2/L.277.



support of a number of pioneers in the field. It functions under a charter defining its missions, structure and objectives (the last version was adopted in October 2009). The current Chairman of ECSL is Sergio Marchisio of the Sapienza University of Rome.

## **2. Objectives and organization**

The main objective of ECSL is to build up and spread in Europe and elsewhere an understanding of the legal framework relevant to space activities. Information exchange among interested stakeholders along with improvement and promotion of the teaching of space law are the two major tools to reach that goal. Another ECSL ambition is to provide updated information on the European contribution to space activities beyond Europe and thus to enhance the European position in space law practice, teaching and publications.

## **3. A flexible and open structure**

The Centre brings together mainly professionals, lawyers, academics and students and encourages interdisciplinary exchanges. It is organized in a very flexible manner and has no legal personality. The ECSL structure provides a forum for discussion for all those wishing to take part in a constructive debate on space law. Great potential exists in Europe in the field of space law, but it is often isolated or scattered; ECSL aims to bridge that gap. The ECSL General Assembly, open to all members, meets every three years and elects the ECSL Board, ensuring that different professional stakeholders and geographical zones are equitably represented. The Executive Secretariat is responsible for the management and growth of the Centre's activities.

## **4. The Board of the European Centre for Space Law**

Members of the ECSL Board are elected by the triennial General Assembly for a period of three years and are nationals of ESA member or associate States or of other European countries that have concluded a cooperation agreement with ESA. Board members have outstanding backgrounds and experience in space law and commit themselves to actively promoting the purposes of ECSL at the national and international levels.

## **5. Membership and network**

Natural or legal persons from ESA member or associate States or from other European countries that have concluded a cooperation agreement with ESA can become members of ECSL upon payment of an annual fee. Membership confers the right to participate in the different ECSL activities, to vote (active and passive vote) at the General Assembly and to receive ECSL publications, in particular the ECSL newsletter. Membership must be renewed at the beginning of every year (January or February).

## **6. National points of contact**

To facilitate its contacts with members, the spread of information and organization of activities, ECSL has encouraged the establishment of national points of contact that act as an interface between ECSL and its members. Thus, points of

contact have been set up in Austria, Belgium, Czech Republic, Finland, France, Germany, Italy, the Netherlands, Spain and the United Kingdom of Great Britain and Northern Ireland. Their status differs depending on whether an institute or centre for space law exists in the country concerned and on the legal form that their members have chosen. The national points of contact, with organizational support from ECSL, play an important role in promoting activities such as conferences, symposiums and research on space issues. ECSL is working to increase the presence of new national points of contact in ESA member States (there are currently 18) such as Portugal or even non-member States such as the Dominican Republic and Morocco.

## **7. Financing**

Currently, most ECSL funding is provided by ESA from its general budget, while other institutions provide support for specific events such as the summer course. Since January 1994, a small annual membership fee has been required from ECSL members.

## **B. Activities**

### **1. Summer Course on Space Law and Policy**

The Eighteenth ECSL Summer Course on Space Law and Policy was organized by ECSL and the University of Lisbon, under the responsibility of José Luís da Cruz Vilaça, Nuno Piçarra and their colleagues. This event took place at the Universidade Nova de Lisboa, Portugal, from 31 August to 11 September 2009.

The Course was attended by 35 students of 16 different nationalities from the following 15 countries: Austria, Belgium, Brazil, Czech Republic, France, Germany, Greece, Italy, Netherlands, Poland, Portugal, Romania, Spain, Turkey, and United Kingdom of Great Britain and Northern Ireland. The students followed 41 hours of lectures on space law and policy issues given by 28 speakers who were either academicians or practitioners specialized in the space field. Divided into eight teams, the students successfully tackled a case entitled: "Satellite applications for the benefit of European citizens: simulation of an international call for tenders" (coordinator: P. Achilleas, Director of the Institut du droit de l'espace et des télécommunications (IDEST), Université Paris-Sud 11). That exercise, which was split into two parts (a written report and an oral presentation in front of a panel of space experts, namely P. Ferreira and P. Achilleas), gave the students the opportunity to put into practice the knowledge acquired at university and during the lessons. The preparation of the teams' projects was supervised by four tutors: Julia Holdorf (Germany), Mathieu Bouquelle (Belgium), Charles-Edward Dumont (France) and Stefano Spano (Italy). The tutors helped the students in conducting their research and in making their presentations intelligible, logical and clear. They proved to be outstanding tutors. The team that performed the best in the awards was the team called Gama. At the end of the course, the students took an exam which consisted of legal questions related to the lessons they had attended during the intense two-week course.

The Nineteenth ECSL Summer Course on Space Law and Policy will be held in September 2010. The exact date and venue are yet to be decided.

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

The European Rounds of the Manfred Lachs Space Law Moot Court Competition took place at the Faculty of Law of the University of Athens, Greece, from 27 to 28 April 2009.

Nine teams (27 participants) were registered to compete from the following universities: University of Leiden (Netherlands); University of Inner Temple (United Kingdom); University of Silesia (Poland); University of Strathclyde (United Kingdom); Catholic University of Leuven (Belgium); International Space University (France); Catholic University of Lublin (Poland); University of Aberdeen (United Kingdom); and University of Genoa (Italy). All of them carried out excellent research. The students solved a hypothetical dispute entitled: “Case concerning the deployment and use of force in low Earth orbit, Fornjot vs. Telesto”.

This exercise, which was split into two parts (submission of statements for both the applicant and the respondent and oral arguments in front of a panel of space experts) gave the students the opportunity to improve their English and to put their knowledge of space law into practice. The judges who evaluated the written briefs were I. Zilioli, L. Ravillon and N. Metcalf and the judges of the oral pleadings were S. Marchisio, R. Oosterlinck, E. Back Impallomeni, C. de Cooker, A. Kerrest, V. Iavicoli, V. Cassapoglou and P. Achilleas.

The winner of the European Rounds of the Competition was the team from the University of Strathclyde (Emma Boffey, Laura Mackenzie, Stephen Donnelly and Aimée Asante as coach). The runner-up was the team from International Space University (Megan Ansdell, Axel Bergman, Curtis Iwata and Timiebi Aganaba as coach). The best oral pleading was that by Stefano Gaggero, University of Genoa, Italy. The awards for the best written briefs went to the Catholic University of Leuven. The University of Athens (Greece), the Ministry of Culture, Hellas-Sat S.A., the Faculty Club (“C. Palamas” Building) and the Evgenides Foundation hosted and sponsored the event.

The team from the University of Strathclyde represented Europe at the world final of the competition, which took place during the 60th International Astronautical Congress, held in Daejeon, Republic of Korea, on 15 October 2009. The team from Georgetown University (United States) received the highest score for the briefs and went directly to the final round. The University of Strathclyde and the National Law School of India University (India) met in the semi-final on 13 October 2009. Having won the semi-final, the National Law School of India University and Georgetown University competed during the final. The National Law School of India University won the competition. Georgetown University received the Eilene Galloway Award for best brief and the National Law School of India University obtained the Sterns and Tennen Award for best oralists. The final round was judged by three members of the International Court of Justice, Abdul Koroma, Leonid Skotnikov and Peter Tomka.

The European rounds of the Nineteenth Manfred Lachs Space Law Moot Court Competition will be held in April 2010. The semi-finals and finals of that competition will take place during the Colloquium on the Law of Outer Space at the International Institute of Space Law (IISL) to be held in Prague in 2010. The “Case concerning suborbital tourism: definition of outer space and liability” can be found on the competition website at <http://www.spacemoot.org>.

### 3. Colloquiums, conferences and international cooperation

IISL and ECSL organized a two-day symposium during the forty-seventh session of the Legal Subcommittee. That event was coordinated by Tanja Masson-Zwaan from IISL in cooperation with Sergio Marchisio, the ECSL Chairman, and took place on 23 March 2009. The symposium included reports by national and international space law institutions on the theme “Thirtieth anniversary of the Moon Agreement: retrospective and prospects”. The Subcommittee heard the following presentations during the symposium: “The negotiation of the Moon Agreement”, by C. Jorgenson on behalf of H. Türk; “The Moon Agreement: perspective of developing countries”, by J. Montserrat Filho; “Status of ratifications and key provisions of the Moon Agreement” by J. Mayence; “The common heritage of mankind principle: the Moon and lunar resources”, by J. de Faramiñan Gilbert; “Is a new look necessary in the age of exploration and exploitation?”, by S. Trepczynski; and “A look ahead: planetary exploration, exploitation and protection” by M. Hofmann. The presentations can be found on the Office for Outer Space Affairs website (<http://www.unoosa.org/oota/COPUOS/Legal/2009/symposium.html>).

ECSL, together with IISL, will hold a one-day symposium on the theme “National space legislation: crafting legal engines for the growth of space activities” on 22 March 2010, during the forty-ninth session of the Legal Subcommittee.

The second meeting of the International Institute for the Unification of Private Law (UNIDROIT) Steering Committee was held in Paris, under the auspices of ECSL, on 14 and 15 May 2009. The meeting was attended by the representatives of 12 of the Governments serving the committee of governmental experts, 28 representatives of the international commercial space and financial communities and eight experts attending in their personal capacity. S. Marchisio (Italy) acted as Chair. The meeting was opened by P. Hulsroj, Director of Legal Affairs and External Relations of the European Space Agency (ESA), who stressed the importance of the preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets in making outer space more accessible to citizens of the world.

In the light of the progress made by the Steering Committee on various outstanding issues concerning the preliminary draft Protocol on space assets, the Steering Committee indicated that it considered the time ripe for the resumption of the intergovernmental consultation process. It was suggested that the committee of governmental experts be reconvened for a third one-week session in Rome in December 2009 and for a final one-week session, again in Rome, in 2010, to finalize a preliminary draft Protocol for submission to the Governing Council for review prior to the adoption of a draft protocol at a diplomatic conference.

### 4. Policy and administration: Board meetings

The ECSL Board held its fifty-fifth meeting on 13 March 2009, its fifty-sixth meeting on 29 June 2009 and its fifty-seventh meeting on 23 October 2009 at ESA Headquarters in Paris. The General Assembly was held at the same time as the fifty-seventh ECSL Board meeting.

## **5. Documentation and publications**

### **(a) Legal database**

Since October 2004, the ECSL legal database (<http://www.esa.int/SPECIALS/ECSL>) has been active and open to the public. It represents a unique tool for the promotion of knowledge of space law at the European and international levels. The purpose of the database is to familiarize users with space law and to highlight the results and outputs of space law conferences and forums (such as proceedings, research and articles). The site is also intended to promote the work carried out by the ECSL national points of contact, space law institutes, universities, research centres, the Committee on the Peaceful Uses of Outer Space, the United Nations Educational, Scientific and Cultural Organization and other organizations, as well as national space agencies, in order to create a network among all institutions, educational centres and research facilities working in the area of space law. The ECSL legal database is updated and new links are added on a regular basis.

### **(b) Fourth edition of “Space law teaching in Europe”**

The booklet “Space law teaching in Europe” is an ECSL initiative, first issued in 1991 and revised in 1993. The booklet includes a list of space law teaching institutions, universities and educational centres in Europe. It also provides detailed information on teaching staff, credits, tuition fees and the duration of the different courses, together with illustrations of the institutions listed.

The fourth edition of “Space law teaching in Europe” was published in 2009 and has been distributed free of charge to institutions and academics interested in the teaching of space law, as well as to students.

### **(c) Newsletter**

The ECSL Newsletter features articles on legal issues and other topics of interest to the space community. It is a precious tool to provide information on new space law developments as well as on other events around the world, such as conferences or workshops, relevant to the space sector and space applications. Each new issue of the ECSL newsletter is sent free of charge to all ECSL members and is then published on the relevant section of the ECSL website. The next ECSL Newsletter will be published in February 2010.

## **C. Upcoming events and projects planned for 2010**

### **1. International Institute of Space Law/European Centre for Space Law Symposium**

The next IISL/ECSL symposium is to be held on 22 March 2010, during the forty-ninth session of the Legal Subcommittee. It will be entitled “National space legislation — crafting legal engines for the growth of space activities”.

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

The European rounds of the Manfred Lachs Space Law Moot Court Competition will be held in April 2010.

The world semi-finals and finals of the Manfred Lachs Space Law Moot Court Competition will be held in Prague in September 2010, during the 61st International Astronautical Congress.

## **3. Summer Course on Space Law and Policy**

The Nineteenth ECSL Summer Course on Space Law and Policy will be held in September 2010. The exact date and venue are yet to be decided.

## **4. Annual Practitioners' Forum**

The next Practitioners' Forum will be held on the theme "Galileo: current legal issues" at ESA headquarters, in Paris, in March 2010.

## **5. Board meetings**

The next meeting of the ECSL Board will take place on 29 January 2010 at ESA headquarters, in Paris. The subsequent meeting will be held in June 2010 (the exact date and venue are yet to be decided).

# **International Institute of Space Law**

## **A. Background information**

The International Institute of Space Law (IISL) was founded 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 has been formally established as an independent association, and its structure has been improved to enable it to better fulfil its role. The Institute currently has individual and institutional elected members from over 40 countries, who are distinguished for their contributions to space law development. In 2008, IISL was granted permanent observer status with the Committee on the Peaceful Uses of Outer Space, after having provided observers to the Legal Subcommittee on behalf of the International Astronautical Federation for many years.

## **B. General developments**

### **1. Elections**

Five directors or officers have been re-elected: J. Gabrynowicz, J. Galloway (Vice-President), A. Kapsutin, T. Kosuge, K.R.S. Murthi, S. Ospina and M. Williams. There were two additional Board positions: H. Zhao and S. M. Rhee. Fourteen individual members were elected to IISL in 2009.

## **2. Directorate of Studies**

The Directorate of Studies has worked on a report submitted in response to various tasks given by the Board of Directors. The Board approved the new abstract guidelines for submission by authors. The Board recommended that the Directorate look into the possibility of an IISL session on the delimitation of air space and outer space and then gauge the relevance of a statement on the issue. It was also decided to edit and publish a Manfred Lachs book and investigate a book on pioneers of space law.

The Directorate of Studies is currently soliciting ideas for the sessions of the Colloquium to be held in Cape Town, South Africa in 2011.

## **3. IISL Awards**

During the 52nd Colloquium on the Law of Outer Space held in Daejeon, Republic of Korea, in October 2009, a Lifetime Achievement Award was presented to V. Vereshchetin and a Distinguished Service Award to S. Hobe. A Certificate of Appreciation was given to Annie Moulin, Deputy Executive Director of the International Astronautical Federation.

The Dr. I.H.Ph. Diederiks-Verschuur Award and Prize for best paper by a young author was awarded to Catherine Doldirina of McGill University (Canada). The paper was on the topic: "A rightly balanced intellectual property rights regime as a mechanism to enhance commercial Earth observation activities".

## **C. Activities in 2009**

### **1. Sessions of the Committee on the Peaceful Uses of Outer Space**

In 2009, during the forty-eighth session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, the Institute, along with ECSL, at the request of the Subcommittee, organized a symposium for the benefit of the members on the topic "Thirtieth anniversary of the Moon Agreement: retrospective and prospects". The symposium, held on 23 March 2009, was coordinated by the Secretary of the Institute, Corinne Jorgenson, and Board member Kai-Uwe Schrogl and was chaired by IISL President Tanja Masson-Zwaan and Board member Sergio Marchisio, the President of ECSL. The programme and a link to the presentations are available on the website of the Office for Outer Space Affairs (<http://www.unoosa.org/oosa/COPUOS/Legal/2009/symposium.html>).

IISL was represented by several of its members in the delegation of official observers to the Legal Subcommittee at its forty-eighth session, and to the fifty-second session of the Committee on the Peaceful uses of Outer Space, both held in 2009.

### **2. 52nd Colloquium on the Law of Outer Space**

The 52nd IISL Colloquium on the Law of Outer Space was held in Daejeon, Republic of Korea, from 12 to 16 October 2009. Around 80 papers were accepted for six sessions, on the following topics: (a) Nandasiri Jasentuliyana keynote lecture on space law and first young scholars' session; (b) peace in space: transparency and



confidence-building measures; (c) third-party liability issues in commercial space activities; (d) legal mechanisms for encouraging space commerce; (e) legal challenges to Earth observation programmes with particular emphasis on developing countries; and (f) recent developments in space law.

In addition, a scientific and legal roundtable was held on the theme “Assessing commercial human space flight”. IISL also organized a plenary session on the theme “achieving a sustainable space environment for future space activities.”

### **3. Eighteenth Manfred Lachs Space Law Moot Court Competition**

The eighteenth Manfred Lachs Space Law Moot Court Competition was held during the 52nd IISL Colloquium. The “Case concerning the deployment and use of force in low Earth orbit (Fornjot v. Telesto)” was written by Ricky Lee. Preliminary rounds were held at the regional level in Europe (9 teams), North America (8 teams) and in the Asian and Pacific region (26 teams).

The finals were judged by three members of the International Court of Justice, Abdul Koroma, Peter Tomka and Leonid Skotnikov.

The winner of the final round was the National Law School of India University (India). The Georgetown University (United States) was the runner-up, and the University of Strathclyde (United Kingdom) was the second runner-up.

The organizations that supported the world finals were the Local Organizing Committee and Kyeryong Construction, Martinus Nijhoff Publishers, Association of United States Members of the International Institute of Space Law, Secure World Foundation, Japan Aerospace Exploration Agency, and ECSL.

### **4. Eilene M. Galloway Symposium on Critical Issues in Space Law**

The fourth Eilene M. Galloway Symposium on Critical Issues in Space Law was organized in Washington, D.C., on 10 December 2009 by the National Center for Remote Sensing, Air, and Space Law of the University of Mississippi School of Law, Arianespace and IISL. The topic for the symposium was “Peaceful purposes and uses of outer space”. The event involved lawyers, scientists, space agency representatives and industry. Some of the papers will be published in the IISL proceedings. The fifth Eilene M. Galloway Symposium on Critical Issues in Space Law will be held in Washington, D.C., in December 2010.

## **D. Activities in 2010**

### **1. IISL and ECSL symposium for delegates of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space**

IISL and ECSL will again organize a symposium entitled “National space legislation: crafting legal engines for the growth of space activities”. It will be held on 22 March 2010.

## **2. 53rd IISL Colloquium on the Law of Outer Space**

The 53rd IISL Colloquium on the Law of Outer Space will be held in Prague from 27 September to 1 October 2010. The following session topics will be discussed:

(a) *Nandasiri Jasentuliyana keynote lecture on space law and first young scholars' session.* In the first part, IISL will invite a prominent speaker to address the members of the Institute and other congress attendants on a topical issue of broad interest. After the break, this newly established annual event will be especially dedicated to the space lawyers of the future, in that young scholars (under 35) will be invited to present a paper either entitled "Space law: future challenges and potential solutions" or on another topic to be agreed with IISL;

(b) *Thirty years of the Moon Agreement: perspectives.* This session will address the future perspectives of the Moon Agreement, which celebrated its thirtieth anniversary in 2009;

(c) *Legal aspects of space security.* The legal aspects related to the need for keeping space safe for civilian and military operations while avoiding the weaponization of space will be analysed at the session and the most recent proposals in this context will be addressed and ideas for the further development of space law will be presented to the relevant international forums;

(d) *Current status of the rule of law with regard to space activities;*

(e) *Recent developments in space law.* Papers for this session will focus on the developments in space law since March 2009.

A scientific and legal round table will be held in Prague on the theme "The new age of small satellite missions", and the IISL has submitted proposals for a plenary session.

## **3. Nineteenth Manfred Lachs Space Law Moot Court Competition**

The semi-finals and finals of the nineteenth Manfred Lachs Space Law Moot Court Competition will be held during the 53rd IISL Colloquium to be held in Prague in September 2010. The arrangements for the moot court are being put in place. The case can be found on the website of the competition ([www.spacemoot.org](http://www.spacemoot.org)). Three Judges of the International Court of Justice will be invited to judge the finals. Regional rounds will be held in Europe, North America and Asia and the Pacific.

## **E. Publications**

The proceedings of the 51st Colloquium on the Law of Outer Space, held in Glasgow, United Kingdom, were published by the American Institute of Aeronautics and Astronautics.

The proceedings of the 52nd Colloquium on the Law of Outer Space, held in Daejeon, Republic of Korea, will be 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 has, as usual, been prepared by Mr. Terekhov and will be published in the IISL proceedings.

IISL prepared material for the United Nations annual review of developments in international cooperation and space law, entitled Highlights in Space, under contract with the United Nations.

IISL submits annual reports on IISL activities to the Committee on the Peaceful Uses of Outer Space.

The Institute is working with the Office for Outer Space Affairs to finalize an update of its bibliography of IISL proceedings since 1996.

## **F. Concluding remarks**

IISL is honoured to cooperate with the Committee on the Peaceful Uses of Outer Space and its subsidiary bodies in the further development of space law. In particular, IISL is prepared to assist as appropriate in carrying out background studies needed for the consideration and information of the Committee. IISL recognizes that certain areas that may require legal regulation include technical issues and may need preparatory work that IISL might be able to carry out for the consideration of the Committee.

IISL will be honoured to continue to be of assistance.

## **International Law Association**

### **A. Background information**

The International Law Association (ILA) was founded in Brussels in October 1873. Its headquarters are in London and its objectives are the study, clarification and development of international law, both public and private, and the furtherance of understanding and respect for international law. The focal points of its activities are the international committees that communicate and work permanently between biennial conferences, of which 73 have so far been held.

The ILA regrets to announce the sad loss of the Chairman of its Executive Council, Lord Slynn of Hadley, on 7 April 2009 in London. Lord Slynn had held this position for the previous 20 years. During that time, he indefatigably pursued the objectives of the institution. The new Chair, elected unanimously by the ILA Council in November 2009, is Lord Mance, Justice of the United Kingdom Supreme Court. At the moment, the World President is Eduardo Grebler (Brazil), who will hold office until the next ILA Conference, to take place in 2010.

The Space Law Committee of ILA was established during the 48th ILA International Conference, held in New York in 1958, and its work has continued without interruption. Its present officers are Maureen Williams, Chair, and Stephan Hobe (Germany), General Rapporteur. Since 1996, the ILA Space Law Committee has been a permanent observer to the Committee on the Peaceful Uses of Outer Space and both its subcommittees.

ILA practice includes cooperation with other international organizations, public and private, such as the International Law Commission via the ILA Study Group on Responsibility of International Organisations, the Permanent Court of Arbitration in connection with dispute settlement procedures in space law, the Comisión Nacional de Actividades Espaciales (CONAE) in Argentina, the Associação Brasileira de Direito Aeronáutico e Espacial (SBDA) in Brazil, the German Aerospace Centre (DLR) in Germany and the British National Space Centre (BNSC) in the United Kingdom. In the private field, the ILA Committee and its members participate in the activities of the IISL, the International Academy of Astronautics and the ECSL. Within the framework of the Legal Subcommittee, ILA participates in the work of the Expert Meeting on Promoting Education in Space Law.

## **B. Activities of the ILA Space Law Committee during 2009**

### **1. Forty-eighth session of the Legal Subcommittee**

The ILA Committee was represented by its Chair, General Rapporteur and Session Reporter at the forty-eighth session of the Legal Subcommittee. A written report was circulated during the forty-eighth session; it was followed by an oral presentation by the Chair of the ILA Committee (See A/AC.105/C.2/L.275).

### **2. United Nations/Islamic Republic of Iran Workshop on Space Law**

ILA experts participated in the United Nations/Islamic Republic of Iran Workshop on Space Law on the theme “Role of international space law in the development and strengthening of international and regional cooperation in the peaceful exploration and use of outer space”, held in Tehran from 8 to 11 November 2009. The meeting represented a cross section that was most important for the development of the law in this domain, and a number of recommendations and conclusions were agreed on. The general opinion was that the application of space technology was crucial to daily life in developing countries, even though there was no immediate perception of it, and that there was less legal knowledge than desirable. Hence, capacity-building and international cooperation were seen, once again, as cornerstones in the field. This perception will be transmitted to the ILA International Committee on the Teaching of International Law, which will likewise be reporting to the 74th ILA Conference, to be held in The Hague from 15 to 20 August 2010.

### **3. Second United Nations Expert Meeting on Promoting Education in Space Law**

ILA experts participated in the second United Nations Expert Meeting on Promoting Education in Space Law, held in Tehran from 12 to 13 November 2009.

#### **4. The ILA Space Law Committee programme, 2009 and early 2010**

The ILA Committee submitted its Third Report on the Legal Aspects of the Privatisation and Commercialisation of Space Activities to the 73rd ILA Conference, held in Rio de Janeiro from 17 to 21 August 2008.

The Report focused on remote sensing, national space legislation, registration issues, new developments on space debris and dispute settlement related to space activities. The presentation of the Report was followed by a stimulating debate.

The Conference agreed that a Fourth Report, which was close to finalization, would be submitted to the 74th ILA Conference in 2010, with a view to presenting a final Fourth Report to the 75th Conference, to be held in Sofia in 2012. The Chair and the General Rapporteur of the ILA Committee were involved in the preparation of the draft Report. The draft Report will be circulated to members for further comments and ideas early in 2010. After that, it will be published on the ILA website ([www.ila-hq.org](http://www.ila-hq.org)). A summary of the topics addressed and revisited by the ILA Space Law Committee in 2009 follows.

##### **(a) National space legislation**

The ILA Committee is carrying out an analysis of national space laws and is currently drafting a model agreement on the subject based on a thorough study of domestic laws in the field in various countries.

This section of the Committee Report attempts to highlight what is considered an important cornerstone for national space legislation. It will do so by having recourse to already existing national space legislation, as well as the answers of the ILA Space Law Committee members to the questionnaire sent out in 2005. It will also partly base its proposals on a 2004 workshop entitled “Towards a harmonised approach for national space legislation in Europe”, held in Berlin in the framework of Project 2001 Plus by the Institute of Air and Space Law of Cologne University, Germany, and the German Aerospace Centre (DLR). Moreover, the current deliberations in the Legal Subcommittee, as well as discussion in its Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, will be taken into consideration.

The view of the ILA Committee Rapporteur is that questions of compensation and insurance should be regulated through national space legislation, as should the obligation of States to authorize and continuously supervise the space activities of private actors within their jurisdiction and control. This appears to be the only effective and realistic way for Governments to control private activities.

As a matter of procedure, the Committee Rapporteur intends to carry the discussion further with the aim of deciding whether some kind of model law should be adopted at the ILA Committee Meeting to be held in The Hague in 2010. The Rapporteur made it clear from the beginning that this model law is by no means intended to be binding for any State. It was simply a proposal from the Space Law Committee of the International Law Association — a non-governmental institution — to be considered a working tool for Governments when drafting their own national space legislation.

**(b) Remote sensing**

The ILA Committee Chair is currently addressing the state-of-the-art and legal issues underlying remote sensing activities in the light of the Principles Relating to Remote Sensing of the Earth from Outer Space (General Assembly resolution 41/65, annex) on the subject to determine whether they are still consistent in the new international and regional scenarios. The main objective is to streamline the validity of the Principles and evaluate whether, in fact, some of them are reflecting customary international law. Or rather, to state it in reverse, if State practice reveals that the Principles are being observed.

Special reference is made, in one of the chapters addressed by the Chair, to the yet unresolved issue of satellite data in international and national litigation and its value as evidence in court, especially where sensitive issues involving sovereignty are concerned. The ILA Committee considers that solutions are needed as the current situation runs counter to the use of satellite imagery in court, particularly in boundary disputes where the precision of space technologies is essential and the margin of interpretation of the experts called upon to interpret the satellite images at the stage of evidence is extremely wide. The idea is to advance on the tentative conclusions on these points, which were agreed at the 73rd ILA Conference. This is an essentially practical issue involving practitioners and academics alike.

A factual point is that there are still no developed international rules or standards in place as to the use, in the courtroom, of data collected by Earth observation satellites. Common standards for digital data products are slowly being developed at the national level but there is still widespread uncertainty in the legal world. A number of recent cases decided by the International Court of Justice and other international arbitrations clearly illustrate the major issues involved.

The main conclusion is that training the legal sector is crucial for the development of these remote sensing technologies. There is still a lack of awareness, knowledge and understanding in the legal field as to what technology can offer and what its limitations are. It is thus essential to have more cross-disciplinary cooperation so that future technologies will have a greater ability to meet the legal users' needs. Once again, there is a need here to encourage capacity-building, which was a recurring theme at the United Nations/Islamic Republic of Iran Workshop on Space Law.

The prevailing opinion is that control of all the phases of data collection — from the first stage of raw data collection to the moment the final product is used — is indispensable for the transparency of this technology.

**(c) Space debris**

The Chair is further examining the legal aspects of space debris, a topic kept under permanent review by the ILA Committee since the adoption of the International Instrument on the Protection of the Environment from Damage caused by Space Debris by the 66th ILA Conference, held in Buenos Aires in 1994 to establish whether any adjustment should be introduced thereto for it to be consistent 15 years later.

The general opinion concurs that space debris, as a threat to space, should be at the top of the list, followed by the weaponization of outer space and natural near-

Earth objects (NEOs) such as asteroids and meteorites that might pose a serious risk of collision with the Earth.

Space debris is now being reviewed in a new light by the ILA Space Law Committee, having in mind that the Legal Subcommittee, at its forty-seventh session, in 2008, finally included the question on its agenda as a single item for discussion. Furthermore, the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space, and the response of States to the directives contained therein, are added elements of considerable importance in the context of the Fourth Report of the ILA Space Law Committee to the 74th ILA Conference.

The fact that Guidelines were developed within the Scientific and Technical Subcommittee with no intervention from the Legal Subcommittee in their drafting is a matter of some concern to the ILA Space Law Committee. Their implementation depends exclusively on the goodwill of States. And even though the recent inclusion of space debris as a single item for discussion on the agenda of the Legal Subcommittee is a step towards clearer regulation, the discussion so far has been limited to a general exchange of information on national mechanisms related to space debris mitigation measures.

The ILA Committee is aware of this question and the outstanding issues and will be analysing the topic in the light of the responses submitted by States to the Legal Subcommittee at its forty-ninth session, in 2010. At the same time, the ILA shall pursue the revision of the International Instrument on the Protection of the Environment from Damage caused by Space Debris.

**(d) Registration**

This matter, undoubtedly related to the legal aspects of space debris, is subject to permanent scrutiny by ILA with a view to following the development and impact on States and international organizations of General Assembly resolution 62/101. The most important objective of the resolution, on which the ILA Committee was called upon to give an opinion at the time, is to enhance the practice of States and international intergovernmental organizations in registering space objects.

**(e) Dispute settlement**

The subject of dispute settlement is under permanent review on the basis of the revised draft ILA Convention on the Settlement of Disputes related to Space Activities of 1998, having in mind, particularly, that article 10 of that Convention envisages the participation of private entities in space activities and opens the door for those entities to avail themselves of the mechanisms laid down in the revised draft Convention.

Additionally, the new task of ILA within the Permanent Court of Arbitration concerning dispute settlement in space law to ascertain the need for optional rules for the arbitration of disputes relating to outer space and the need for the development of such rules will be of unquestionable assistance in viewing this matter from a variety of standpoints.

**(f) New topic: the legal aspects of near-Earth objects**

As outlined earlier, the ILA Committee intends to embark on a study of the legal aspects of NEOs, a question closely linked to space security and under discussion for some time now by the Scientific and Technical Subcommittee. So far, however, it has not been on the agenda of the Legal Subcommittee. Although legal experts have only recently started concerning themselves with NEOs, the topic seems to be gaining a place on the agendas of various academic institutions dealing with international space law.

In connection with that development, the Chair and Rapporteur of the ILA Committee and some of its members were invited to form part of the International Advisory Board of the research project entitled “Legal aspects of the NEO threat: response and related institutional issues”, undertaken by the University of Nebraska-Lincoln (United States) under its Programme on space and telecom law, with the support of the Secure World Foundation.

Pursuant to a request from the Office for Outer Space Affairs for information on the topic, a paper on the theme “The legal aspects of natural near-Earth objects (NEOs)” by the ILA and its Space Law Committee was prepared for consideration by the Scientific and Technical Subcommittee at its forty-sixth session, in 2009, in accordance with the multi-year workplan established for the period 2009-2011.

**(g) Other matters**

International cooperation and the importance of capacity-building as a common denominator in all ILA meetings have encouraged the preparation of a book on space law in Spanish in which the current legal framework governing outer space activities is discussed and analysed and to which a number of specialists of renown from all over the world are contributing. It is an effort to create further awareness of the legal aspects of space activities and their implications in Spanish-speaking countries. The task, conducted from Buenos Aires, forms part of a project presently under way under the auspices of the National Council of Scientific and Technological Research (CONICET) of Argentina and it will be published shortly.

ILA perceptions and suggestions on the topics, that have been addressed over the past year, enlightened by the discussion to take place during the forty-ninth session of the Legal Subcommittee, will be included in the ILA Space Law Committee Report to its 74th Conference, to be held in The Hague in August 2010 ([www.ila2010.org](http://www.ila2010.org)).

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