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

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Note by the Secretariat

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* A/AC.105/C.2/L.280.



I. Introduction

The present document was prepared by the Secretariat on the basis of information received by 17 January 2011 from international organizations.

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

European Centre for Space Law

[Original: English]

[17 January 2011]

A. Background information

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

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 and improving and promoting the teaching of space law are the two major tools for reaching that goal.

A flexible and open structure

The Centre brings together professionals, lawyers, academics and students and encourages interdisciplinary exchanges. 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 in charge of the management and growth of the Centre's activities.

Management

Members of the ECSL Board, which is responsible for the management of the Centre, are elected by the triennial General Assembly for a period of three years. Board members have outstanding backgrounds and experience in space law and commit themselves to actively promoting the objectives of ECSL at the national and international levels.

Membership and network

Membership, open to natural or legal persons from ESA members or associated States, is a prerequisite for voting at the General Assembly and receiving ECSL publications, such as the ECSL Newsletter and the Summer Course Proceedings.

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 who act as an interface between ECSL and its members. Points of contact have been already set up in 12 ESA member States.

ECSL is working to increase the presence of new national points of contact in ESA member States such as Hungary.

B. Summary of past activities**Summer Course on Space Law and Policy**

The nineteenth ECSL Summer Course on Space Law and Policy was organized in September 2010 by ECSL and the University of Jaén, Spain. It was attended by 38 students from 15 countries throughout the world. The students were given lectures on space law and policy issues by speakers who were either academics or practitioners specialized in the space field and they also successfully tackled a case study entitled “Satellite applications for the benefit of Euro-Mediterranean cooperation”.

Manfred Lachs Space Law Moot Court Competition

The European round of the Manfred Lachs Space Law Moot Court Competition took place at the Faculty of Law of the University of Győr, Hungary, in April 2010. Nine teams were registered and there were 21 participants from several European universities.

The students resolved a hypothetical dispute entitled “Case concerning suborbital tourism, definition of outer space and liability”, which sought to explore international law considerations and the various outer space treaties.

The University of Cologne, Germany, was the winner of the European round and represented Europe at the world final of the competition, which took place during the 61st International Astronautical Congress (IAC) in Prague in September 2010. The George Washington University (United States of America) won the final, which was judged by three members of the International Court of Justice.

Colloquiums, conferences and international cooperation

In March 2010, the International Institute of Space Law (IISL) and ECSL organized a symposium during the forty-ninth session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. The event was coordinated by Tanja Masson-Zwaan, from IISL, and Sergio Marchisio, the ECSL Chairman.

The symposium included reports of national and international space law institutions on the theme “National space legislation — crafting legal engines for the growth of space activities”. (Presentations and details can be found on the website of the Office for Outer Space Affairs (www.oosa.unvienna.org/oosa/en/COPUOS/Legal/2010/symposium.html).)

Annual Practitioners' Forum

The Practitioners' Forum was held on 19 March 2010 at ESA headquarters in Paris and focused on the theme "Galileo: Current legal issues". It was a great success and was attended by a large number of participants.

International Workshop on Space Law and Space Applications

The fourth International Workshop on Space Law and Space Applications was held in Rabat on 3 and 4 June 2010. More than 50 local students and professionals participated in the Workshop.

The Workshop was organized by the African Regional Centre of Sciences and Space Technology, the Royal Centre for Remote Sensing and ECSL.

Documentation and publications

(a) Legal database

The ECSL legal database has recently been updated with new topics. 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 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.

(b) 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 fifth edition will be published in June 2011.

(c) Newsletter

The ECSL newsletter features articles on legal issues and others topics of interest to the space community. All the newsletters are available on the ECSL website. The next newsletter will be published in March 2011.

C. Major events and projects planned for 2011

Board meetings

The last ECSL Board was held on 5 November 2010 and the next meeting is to be held at ESA headquarters in Paris on 28 January 2011.

Annual Practitioners' Forum

The next Practitioners' Forum will be held at ESA headquarters in Paris on 18 March 2011 and will focus on the theme "Commercialization of human space-flight".

Space Law Symposium

The next IISL/ECSL Space Law Symposium will be held on 28 March 2011, during the fiftieth session of the Legal Subcommittee, and will be entitled “A fresh look on the delimitation of airspace and outer space”.

Manfred Lachs Space Law Moot Court Competition

The European round of the nineteenth Manfred Lachs Space Law Moot Court Competition will be held at the Faculty of Law of Saint-Petersburg State University, Russian Federation, on 28 and 29 April 2011.

The “Case concerning Environmental Contamination and Harmful Interference in Space Activities” can be found on the ECSL website (www.esa.int/SPECIALS/ECSL).

The world semi-finals and finals of the Manfred Lachs Space Law Moot Court Competition will take place in Cape Town, South Africa, in October 2011, during the 62nd IAC.

Summer Course on Space Law and Policy

The twentieth ECSL Summer Course on Space Law and Policy will be held in Malta in September 2011. The exact date is yet to be decided.

International Institute of Space Law

[Original: English]

[10 January 2011]

A. Introduction

Information on developments and activities of the International Institute of Space Law (IISL) in 2010 is provided below.

Founded in 1960, IISL is an independent non-governmental organization dedicated to fostering the development of space law in partnership with various international and national institutions. IISL members are individuals and institutions from more than 40 countries. They have been elected on the basis of their contributions to the field of space law or other social sciences related to space activities.

IISL holds its annual colloquium on current issues in space law at the International Astronautical Congress. During the annual colloquiums, IISL strives to address topics that are of real interest to all space actors. IISL also organizes annual scientific and legal round tables with the International Academy of Astronautics (IAA), the twenty-fifth of which was held in 2010.

IISL is a permanent observer to the Committee on the Peaceful Uses of Outer Space. It is represented at the sessions of the Committee, where a report on IISL activities is presented each year. IISL, together with the European Centre for Space Law, also organizes an annual symposium for Committee delegates. Since

2001, IISL has organized space law conferences in several countries, including China, India, Singapore, Thailand and the United States of America. It has also organized the annual Eilene M. Galloway Symposium on “Critical issues in space law” in Washington, D.C., since 2006. The IISL proceedings are published each year by the American Institute of Aeronautics and Astronautics. IISL issues statements that inform the debate on the most pressing issues in the field of space law.

Since 1990, IISL has organized the Manfred Lachs Space Law Moot Court Competition. The competition is based on a hypothetical space law case written by IISL members and student teams from Asia and the Pacific, Europe and North America. Preliminary competitions are held each spring in the different regions. The regional champions then compete at the world finals, which take place each year at IAC and are judged by members of the International Court of Justice.

B. General information

1. Fiftieth anniversary celebrations

In 2010, IISL celebrated its fiftieth anniversary. Several events marked this celebration:

(a) The first IISL/IAA Symposium on Space Law and Policy in May 2010 and re-publication of a 1972 book by former IISL President Manfred Lachs (*The Law of Outer Space: An Experience in Contemporary Law-making*) in September 2010;

(b) Fiftieth anniversary celebration and young scholar poster exhibition on 28 September 2010 (with the support of ESA);

(c) Book publication containing the young scholars’ papers (forthcoming, 2011);

(d) “A History of the IAA/IISL Round Tables”, a publication celebrating the twenty-fifth anniversary of the round tables, in cooperation with IAA (forthcoming);

(e) Publication of the book “Some Pioneers of Space Law” (planned);

(f) A champagne reception in Prague, with the support of ESA.

2. Elections

At the Institute’s General Assembly in Prague in September 2010, six directors and officers were re-elected: Tanja Masson-Zwaan (President), Corinne Jorgenson (Executive Secretary), Ram Jakhu (Canada), Francis Lyall (United Kingdom of Great Britain and Northern Ireland), Sergio Marchisio (Italy) and Kai-Uwe Schrogl (Germany). Steven Freeland (Australia) was newly elected. In 2010, 22 individual members were elected to IISL.

3. IISL awards

The Institute presented several awards to distinguished members of the space law community during the annual IISL dinner on 30 September 2010. Vladimir Kopal (Czech Republic) received the IISL Lifetime Achievement Award for his long

and outstanding career in space law as, among others, Chief of the secretariat of the Office for Outer Space Affairs, Chair of the Legal Subcommittee and General Counsel for IAF and IAA. In addition, he has taught space law for many years, first at the Charles University of Prague, then at the University of Plzen. He is also a longstanding Director and Vice-President of IISL and has published work on many issues of space law.

Sylvia Ospina (United States) was awarded the Distinguished Service Award for her many contributions to the work of IISL, including the *Highlights in Space* reports, published by the Office for Outer Space Affairs, and the Manfred Lachs Moot Court Competition. She is also a Director of IISL, and a well-known author of many articles in the field. Jean-Michel Contant (France) received the Certificate of Appreciation. He serves as Secretary General of IAA and, in that capacity, has contributed greatly to the successful cooperation of IAA and IISL, in particular with the IAA/IISL scientific and legal round tables since the 1970s, and also through many joint IAA/IISL conferences and encouraging legal commentary in appropriate IAA meetings. He also guided and supported the granting of permanent observer status by the Committee on the Peaceful Uses of Outer Space.

The Diederiks-Verschoor Award for the best paper by a young author at the IISL Colloquium was awarded to Philip de Man of the University of Leuven (Belgium) for his paper entitled “The commercial exploitation of outer space and celestial bodies — a functional solution to the natural resource challenge”.

4. Committees

In order to more actively engage members and Board members, the Executive Secretary initiated a review of current committees and the creation of new ones. Current committees include the Membership Committee, Awards Committee, Diederiks-Verschoor Award Committee, Moot Court Committee, Publications Committee, Sponsorship Committee, United Nations Highlights in Space Committee, Audit Committee, Directorate of Studies, Standing Committee on the status of the space treaties, and Nominating Committee.

In addition, several programme committees were created: the Committee on the Peaceful Uses of Outer Space Symposium Programme Committee, the Eilene M. Galloway Symposium Programme Committee and the IISL/IAA Symposium on Space Law and Policy Programme Committee.

5. Strategy meetings

The year in which IISL celebrated its fiftieth anniversary was an appropriate time for the IISL Board to conduct a strategy meeting, initiated by the Executive Secretary, so that the IISL leaders could address short-, medium- and long-term goals as well as their vision for the Institute. The first strategy meeting, held on 25 March, focused on analysis of internal strengths and weaknesses and external opportunities and threats. A follow-up strategy meeting was held in Prague to develop initiatives to build on the Institute’s strengths and opportunities and counter its weaknesses and threats.

6. Institutional relations

IISL maintains close relations with various organizations, including the Committee on Space Research, ECSL, the European Space Policy Institute (ESPI), IAA, IAF, the International Law Association (ILA) and the Committee on the Peaceful Uses of Outer Space.

7. Website and public relations

The IISL website has been expanded to include a member database, where members can verify and correct their personal data and register for IISL events. The new tool was launched just prior to the 53rd IISL Colloquium and is expected to facilitate management of events and provide an up-to-date database.

Biographies and photographs of Board members have been added to the website, and recent updates about space law-related developments or IISL activities have been posted in the news section.

A new Manfred Lachs Space Law Moot Court Competition web page has been created on the IISL site, with the relevant e-mail addresses for the competition.

Several press releases have been sent out, and a new brochure is being prepared.

C. Activities in 2010

1. Meetings of the Committee on the Peaceful Uses of Outer Space

On 22 March 2010, during the forty-ninth session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, on the Institute, along with ECSL, at the request of the Subcommittee, organized a symposium for members of the Subcommittee on the topic “National space legislation — crafting legal engines for the growth of space activities”. The symposium was coordinated by Board member Kai-Uwe Schrogl and the Executive Secretary of the Institute, Corinne Jorgenson, and was chaired by IISL President Tanja Masson-Zwaan and Board member and ECSL Chairman Sergio Marchisio. (The programme and a link to the presentations are available on the website of the Office for Outer Space Affairs (www.unoosa.org/oosa/COPUOS/Legal/2010/symposium.html).)

IISL was represented by several of its members in the delegation to the Legal Subcommittee at its forty-ninth session and to the Committee on the Peaceful Uses of Outer Space, at its fifty-third session, both held in 2010.

2. Conference on current legal issues for satellite Earth observation

IISL, together with the International Society for Photogrammetry and Remote Sensing (ISPRS), ESPI and IAA, co-hosted the conference on current legal issues for satellite Earth observation, held in Vienna on 8 and 9 April 2010. The programme focused on Earth observation data and included several speakers and panellists such as Kai-Uwe Schrogl, Frans von der Dunk, IAA colleagues, the IISL President and representatives from ISPRS. The discussion focused on two issues: privacy; and Earth observation data for treaty monitoring. An extensive report has been published by ESPI.

3. Symposium on space law and policy

The symposium on space law and policy was held in Washington, D.C., on 11 May 2010 by IISL and IAA, in partnership with the Secure World Foundation, Arianespace and ESPI, to begin the commemoration of the fiftieth anniversary of both IISL and IAA. The symposium examined the breadth and reach of space regulations on international and United States activities in the civil, commercial and governmental fields. A report has been published in *Space Policy* and is available on the IISL website (www.iislweb.org).

4. Global Lunar Conference

The IAF Global Lunar Conference was held in Beijing in May and June 2010. IISL assisted in selecting abstracts for the legal session, which its President chaired.

5. Colloquium on the Law of Outer Space

The 53rd IISL Colloquium on the Law of Outer Space was held in Prague from 27 September to 1 October. IISL received about 90 abstracts and over 30 abstracts in the young scholars session, some of which were presented as posters. The papers from that session will be published in a separate publication. The following topics were addressed in the Colloquium: (a) the Nandasiri Jasentuliyana keynote lecture on space law and first young scholars session; (b) 30 years of the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies perspectives; (c) legal aspects of space security; (d) current status of the rule of law with regard to space activities; and (e) recent developments in space law.

In addition, the twenty-fifth scientific and legal round table was held on the theme “Assessing commercial human spaceflight”, and IISL also organized a joint session with IAF on the theme “Legal framework for collaborative human space missions”.

The annual IISL dinner for members and invited guests was held following the Manfred Lachs Space Law Moot Court Competition at the Na Spilce Restaurant in Plzen, Czech Republic.

6. Manfred Lachs Space Law Moot Court Competition

The nineteenth Manfred Lachs Space Law Moot Court Competition was held during the 53rd IISL Colloquium. The “Case concerning suborbital tourism, definition of outer space and liability (*Aspirantia v. Republica*)” was written by Peter van Fenema. Preliminary rounds were held at the regional level in Europe (9 teams), North America (10 teams) and Asia and the Pacific (29 teams).

Three members of the International Court of Justice judged the finals: Abdul Koroma, Peter Tomka and Leonid Skotnikov.

The winner of the final round was the George Washington University (United States). The National University of Singapore (Singapore) was the runner-up, and the University of Cologne (Germany) was the second runner-up.

The organizations that supported the world finals were: Univerzita Karlova v Praze, ECSL/ESA, the Japan Aerospace Exploration Agency (JAXA), the Secure

World Foundation, Martinus Nijhoff Publishers, IAF, CSA Czech Airlines, and Kocián Šolc Balaščík.

The institutions that supported the winners of the three regional rounds, allowing the students to come to IAC to compete in the world finals, were: ECSL/ESA, JAXA and the Secure World Foundation. IISL is fortunate to benefit from their continued support, which has enabled many students over the years to take part in this exceptional competition, the only one of its kind to be judged by sitting members of the International Court of Justice.

7. Eilene M. Galloway Symposium on Critical Issues in Space Law

The fifth Eilene M. Galloway Symposium on Critical Issues in Space Law was organized at the Cosmos Club in Washington, D.C., on 2 December 2010 by the National Centre for Remote Sensing, Air and Space Law of the University of Mississippi, and IISL. The symposium was entitled “Article IX of the Outer Space Treaty and peaceful purposes: issues and implementation”. The event involved lawyers, scientists, space agency representatives and industry. Some of the papers will be published in the IISL Proceedings. The next Eilene M. Galloway Symposium on Critical Issues in Space Law will be held in Washington, D.C., in December 2011.

D. Activities in 2011

1. Symposium for the Legal Subcommittee

IISL and ECSL will organize a symposium entitled “A fresh look on the delimitation of airspace and outer space”. It will be held on 28 March 2011.

2. Space Law Conference

On 1 and 2 June, the Space Law Conference will be organized in Jakarta by IISL and the Indonesian Society of International Law, in conjunction with the Asian and Pacific regional round of the Manfred Lachs Space Law Moot Court Competition.

3. Colloquium on the Law of Outer Space

The 54th IISL Colloquium on the Law of Outer Space will be held in Cape Town, South Africa, from 3 to 7 October 2011. The following topics will be discussed:

(a) Nandasiri Jasentuliyana keynote lecture on space law and first young scholars session. In the first part of the session, IISL will invite a prominent speaker to address members of the Institute and other Colloquium attendants on a highly topical issue of broad interest. The second part of the session will be dedicated to the space lawyers of the future and young scholars (under 35 years old) are invited to present a paper either entitled “Space law: future challenges and potential solutions” or on another topic to be agreed with IISL;

(b) Legal issues of commercial human spaceflight. It seems likely that the first proper suborbital spaceflights for tourists will soon take off, possibly being

offered by various operators from a number of places around the globe within a few years. This session will deal with legal and regulatory issues of commercial spaceflight, both on an international and national level. Such issues could include liability, certification and safety requirements, as well as issues related to the spaceflight services that private operators may start offering to the public;

(c) Africa: space law and applications — past, present, and future. Africa is an emerging spacefaring continent. The session will address Africa's past and current activities in remote sensing, telecommunications, launch and global positioning systems (GPS)/global navigation satellite systems (GNSS), and the law and regulations on such activities. Among these will be remote sensing in Morocco and Nigeria; launches in Algeria, Kenya and South Africa; and telecommunications across the continent. This session will also look to the future and consider the role of space law in developing countries;

(d) Environmental aspects of space law and of space activities. It is well known that the international legal order for space activities came into existence before international environmental law began to develop. Therefore, it seems useful to take stock of existing international space law with regard to environmental protection for space as well as for space activities. The session aims at investigating the existing *lex lata* of environmental protection for space activities and making proposals *de lege ferenda*, taking into account the interaction between space law and general international law;

(e) Recent developments in space law. Papers for this session will focus on developments in space law since March 2010. In addition, papers are invited to address two special issues: the legal aspects of GNSS; and articles 6 and 7 of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;

(f) A scientific-legal round table will be held in Cape Town on the topic "Space debris environment remediation", and will reflect the results of the completed IAA Cosmic Study.

4. Manfred Lachs Space Law Moot Court Competition

A new website has been created for the Manfred Lachs Space Law Moot Court Competition (www.iislweb.org/lachsmoot). The former website address and its current content are no longer managed by or related to IISL.

New co-chairs of the moot court committee and a new regional organizer for the competition in Asia and the Pacific were appointed; their details can be found on the website.

The semi-finals and finals of the twentieth Manfred Lachs Space Law Moot Court Competition will be held during the 54th IISL Colloquium, to be held in Cape Town, South Africa, in October 2011. Three judges from 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.

It is planned to organize a preliminary African round prior to the Colloquium, with a view to hosting a new African round from 2012 onwards.

Similarly, universities from Colombia and possibly some other Latin American countries have been invited to participate in the North American round, with a view to hosting a new Latin American round in the future.

The Asian and Pacific round will be held in Jakarta for the first time, in cooperation with the Indonesian Society of International Law. In conjunction with this round, a space law conference will be held in Jakarta on 2 and 3 June, hosted by the Universitas Pelita Harapan.

E. Publications

The proceedings of the 51st Colloquium on the Law of Outer Space, held in Daejeon, Republic of Korea, were published by the American Institute of Aeronautics and Astronautics.

The proceedings of the 52nd Colloquium on the Law of Outer Space, held in Prague, 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 Andrei Terekhov and will be published in the IISL proceedings.

IISL is currently working on a book entitled "Pioneers of Space Law".

On the occasion of its fiftieth anniversary, the Institute republished the 1972 book by Manfred Lachs entitled, *The Law of Outer Space: An Experience in Contemporary Law-making* (edited by Tanja Masson-Zwaan and Stephan Hobe).

A book with the papers of the 2010 young scholars session is being prepared and will be published with the support of the Indian Space Research Organization.

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

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

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 by the Committee for consideration and information. IISL recognizes that certain areas that may require legal regulation include technical issues and may need preparatory work that it may be able to carry out for the consideration of the Committee.

International Law Association

[Original: English]

[9 January 2011]

A. Background information

ILA was founded in 1873 in Brussels and its headquarters are in London. Lord Mance, Justice of the United Kingdom Supreme Court is the Chair of the Executive Council and Nico Schrijver (the Netherlands) is currently the President. Christine Chinkin (United Kingdom) is the Director of Studies.

The objectives of ILA, in accordance with its statutes, 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 point of its activities is the international committees that work permanently between the biennial conferences, of which 74 have been held to date. Plans are being made to hold the seventy-fifth ILA Conference in Sofia in August 2012.

The ILA Space Law Committee was set up in New York in 1958. The ILA Committee has been a permanent observer to the Committee on the Peaceful Uses of Outer Space and both its Subcommittees since 1990 and reports annually thereto.

B. Activities of the International Law Association Space Law Committee during 2010

1. Forty-ninth session of the Legal Subcommittee

The ILA Space Law Committee was represented by its Chair, General Rapporteur, Conference Session Reporter and some of its members at the forty-ninth session of the Legal Subcommittee. A written report was submitted to the session by the Chair of the ILA Committee, reflecting the activities of the Committee during 2009 and progress on the different topics addressed, having in mind the seventy-fourth Conference of the ILA planned for August 2010 at The Hague (see A/AC.105/C.2/L.278). The report was followed by an oral presentation by the Committee Chair to which the General Rapporteur added his views on the preparation of a model law on national space legislation.

2. Third United Nations Expert Meeting on Promoting Education in Space Law

ILA experts participated in the third United Nations Expert Meeting on Promoting Education in Space Law, held in Vienna on 23 March 2010, to consider the education curriculum on space law currently being developed. Further comments were made on this occasion and a draft version by the Office for Outer Space Affairs followed.

3. Forty-seventh session of the Scientific and Technical Subcommittee

ILA Committee members, including the Chair and General Rapporteur, were asked to form part of the International Advisory Board of a project conducted by the University of Nebraska-Lincoln with the support of the Secure World Foundation on the topic “Legal aspects of the near-Earth object threat: response and related international issues”. A final presentation of this project, including recommendations on the various issues involved and their possible legal treatment, was made by ILA Committee member Steven Freeland during the forty-seventh session of the Scientific and Technical Subcommittee, on 15 February 2010.

4. Permanent Court of Arbitration

A number of members of the ILA Space Law Committee were invited by the Permanent Court of Arbitration to be part of an advisory group on dispute settlement in space law, chaired by Fausto Pocar, with a view to ascertaining the need for optional rules for arbitration of disputes arising from space activities and, subsequently, their elaboration. The group has been working without interruption and a first draft is currently being considered.

5. International Law Commission of the United Nations

The ILA Study Group on Responsibility of International Organizations has continued to work in close cooperation on this subject with the International Law Commission (ILC) and its Study Group which, in 2011, will complete the final and second reading of its draft articles. The ILA Group, of which both the Chair and Rapporteur of the Space Law Committee are members, is currently preparing a report to be sent to the ILC Special Rapporteur on the matter, Giorgio Gaja, on the concerns of ILA on questions of substance included in current ILC draft articles.

6. Other activities

As customary, the ILA Space Law Committee has joined in the work and activities of, inter alia, IISL, IAA, ESPI and ECSL. It has been in touch with some national space agencies as well.

In October 2010, the Chair and a number of ILA Committee members were invited, in different capacities, to make presentations on the topic “Evidence from Space” at a workshop organized in London by the London Institute of Space Policy and Law, under the auspices of ESA. The main topic, namely the value of satellite data in international litigation, has been a matter of concern to ILA for some years.

7. International Law Association Conference

The seventy-fourth Conference of the International Law Association was held in The Hague, the Netherlands, from 15 to 20 August 2010. The major topics underlying the fourth report of the ILA Space Law Committee submitted to the Conference, and ensuing working sessions, will be the central part of this presentation.

Under the heading “Legal aspects of the privatization and commercialization of space activities”, the fourth report addressed remote sensing and the value of satellite data in court, national space legislation, registration issues, space debris,

dispute settlement and recent developments suggested for the future work of the Committee.

The fifth and final report on these subjects is expected to be submitted to the seventy-fifth ILA Conference in Sofia in 2012. Having in mind the width and scope of its mandate, the Committee will continue its traditional practice, i.e. the Chair will remain responsible for part I of the report (addressing remote sensing and satellite data, space debris, registration, dispute settlement and possible new topics) and the Rapporteur will cover part II, on national space legislation, including a draft proposal for a model law.

The suggestions and conclusions arising from the seventy-fourth ILA Conference are provided below.

(a) *Remote sensing, the value of satellite data in court and the effectiveness of Earth observation satellites for monitoring compliance with international agreements*

Two outstanding and practical questions relating to the use of remote-sensing technologies were the value of satellite data in court and the effectiveness of Earth observation satellites (EOS) for monitoring compliance with international agreements, especially in the field of environmental law. The United Nations Framework Convention on Climate Change and the international rules applicable to the protection of the ozone layer were cited as an illustrative example. Likewise, the recent experience of ILA Committee member Ray Purdy in the United Kingdom and, more recently, in Australia, as part of a project on the use of satellite information (with special reference to perceptions and impact) was considered. (For more information, see www.ucl.ac.uk/laws/environment/satellites.) In fact, a few members of the ILA Space Law Committee were on the advisory board of this international project (in 2009 and 2010), the objectives of which coincide to a great extent with topics being studied by the Committee.

ILA Committee members considered that practical solutions were needed to encourage the use of satellite data in court in fields where precision was essential, such as boundary disputes. The main problem is the wide margin of interpretation by experts. Unlike aerial photographs, where changes are relatively easy to ascertain, satellite data may be manipulated with no possibility of detecting ex post facto changes. Indeed, the current lack of agreed international standards (examples of which may be found at the regional but not the international level) is a major obstacle to the use of these technologies in court at the moment.

The problem is aggravated when it comes to delimitation of land and waters on international fronts and when thorny issues involving sovereignty are involved. A number of cases decided in recent years by the International Court of Justice and other international arbitrations are clear examples of the underlying difficulties.

The prevailing opinion is that strict control over all the phases of data collection — from the collection of raw data to the moment the final product is used — is indispensable for the transparency of this technology. The possibilities of keeping “sealed data”, or of storing primary data in archives, were also mentioned at The Hague. The general opinion within ILA is that international standards or guidelines for the authentication of satellite data and reliable mechanisms for the production of satellite imagery in court, at the stage of evidence, are essential. Authentication and capacity-building are therefore required.

On the validity of the Principles relating to Remote Sensing of the Earth from Outer Space, a question entrusted by the ILA Council to its Space Law Committee since the 2004 ILA Conference in Berlin, it was observed that the current international context has changed; commercial activities in space are constantly gaining momentum. Developing countries which, at the time of adoption of the Principles, were only “sensed States” are now increasingly engaged in space activities and accessing the new technologies. Therefore, they are now “sensing States” as well.

It may be anticipated that, all in all, the use of EOS has been faring well in different scenarios and groups of countries and that the guidelines for interpretation of the above-mentioned principles are stemming from State practice, both from the industrialized and developing worlds.

(b) *National space legislation — a model law*

Part II of the fourth report included a draft model law (non-binding) on national space legislation, which was prepared by the General Rapporteur and discussed at the Committee’s working session.

On this topic, the ILA Space Law Committee has been cooperating with the working group on national space legislation, operating in the framework of the Legal Subcommittee and chaired by ILA Committee member Irmgard Marboe, whose mandate comes to an end in 2011.

A draft, to which ESPI and other ILA Committee members also contributed, shall be circulated as a conference room paper during the fiftieth session of the Legal Subcommittee. The final text will be part of the fifth report of the ILA Space Law Committee to the seventy-fifth ILA Conference in 2012.

(c) *Space debris in a new light following its inclusion on the agenda of the Legal Subcommittee as a single item for discussion*

The Committee Chair is currently evaluating the answers received from States in conformity with the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space concerning domestic measures implemented by States to that effect.

Likewise, the ILA International Instrument on the Protection of the Environment from Damage caused by Space Debris, adopted in 1994 at the sixty-sixth Conference, held in Buenos Aires, and introduced to the Legal Subcommittee in 1995, continues to be studied by the ILA Committee.

Article 1 of that Instrument contains definitions or, rather, descriptions, of what should be understood by space debris. It is being revised at the moment by technical experts to determine its consistency with the advances of science and technology.

National institutions in different countries have also responded to these questions by conducting research projects on the legal aspects of space debris. In this sense, the University of Cologne, Germany, and McGill University, Canada, are undertaking an interdisciplinary study on space debris. Between 26 and 30 April, a meeting on the subject was organized in Cologne, conducted by the General Rapporteur of the ILA Space Law Committee, with Ram Jakhu as co-chair. At the

end of the meeting, a declaration was adopted recommending, inter alia, that States adopt and implement, as national space legislation, the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space and cooperate to bring about increased awareness, by conducting their space activities with transparency.

Similarly, the National Council of Scientific and Technical Research (CONICET) of Argentina is working on a project on the subject, with a special focus on space debris and EOS. Participants are working in cooperation with the National Commission of Space Activities (CONAE) of Argentina and the Universities of Buenos Aires and Belgrano, both in Argentina, and other relevant international institutions.

Among other examples, the University of Mississippi, and its National Center for Remote Sensing, Air and Space Law, is giving special attention to this problem. These projects, and a number of others around the world, have a strong interdisciplinary nature.

(d) Registration issues

The ILA Space Law Committee is currently following the development and impact upon States and international organizations of General Assembly resolution 62/101 on the registration of space objects.

(e) Dispute settlement

Apart from the ILA Space Law Committee keeping the ILA draft convention on the settlement of disputes related to space activities under permanent review, some of its members, including the Chair and Rapporteur, have taken up new responsibilities within the Permanent Court of Arbitration and are part of an international advisory group on the elaboration of optional rules for arbitration of disputes arising from space activities.

This new experience is proving useful for viewing matters in a different light, particularly with regard to the fact that the ILA draft convention included, from its initial stages, a section on the participation of private entities in space activities and the possibility of availing themselves of the mechanisms laid down by the draft convention that are applicable to disputes between sovereign States.

C. New topics for future work of the International Law Association Space Law Committee

Review of the Moon Agreement

The ILA Space Law Committee believes that a review of the Moon Agreement, with emphasis on the regime applicable to the exploration and exploitation of its natural resources, is appropriate. There are aspects of this text that need reviewing to take into account new technologies that are being developed.

The Committee was involved in such a review in New Delhi at the seventieth ILA Conference in 2002.

It now seems advisable to start a fresh discussion on some controversial aspects of the Moon Agreement, considering the low number of ratifications it has achieved so far. A great many changes have taken place in the international and regional settings since its adoption in 1979; indeed, the Moon Agreement and its unresolved questions are back in the limelight.

Legal aspects of near-Earth objects

ILA concurs with the importance of looking at legal aspects of near-Earth objects, which is strongly linked to space security and has for some time been under discussion by the Scientific and Technical Subcommittee. The time appears right for ILA to start thinking of the major legal and political aspects in this area of far-reaching humanitarian connotations.

D. Conclusion

The fifth (and final) report of the Space Law Committee to the seventy-fifth ILA Conference in 2012 will address the following topics:

(a) Remote sensing: minor adjustments to the 2004 ILA Berlin Conclusions and special reference to satellite data in international litigation and draft international standards; and the effectiveness of remote sensing to monitor compliance with international law;

(b) National space legislation, focusing on the adoption of a model law on the basis of the working session of the Committee at The Hague and its follow-up;

(c) Space debris mitigation in the light of General Assembly resolution 62/217, in which the Assembly endorsed the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space. Review of the ILA Instrument on the Protection of the Environment from Damage Caused by Space Debris adopted by the sixty-sixth ILA Conference, held in Buenos Aires in 1994 (a topic under permanent review by the Committee);

(d) Dispute settlement related to space activities. Review of the ILA draft convention on the settlement of disputes related to space activities, which is under permanent review by the ILA Space Law Committee. Recent drafting experience of its officers and members in the framework of the Permanent Court of Arbitration;

(e) Initial views for further study of new topics by the ILA Committee, with emphasis on a revision of the Moon Agreement to determine its relevancy today; and the legal and political aspects of near-Earth objects such as comets and asteroids.

As a permanent observer to the Committee on the Peaceful Uses of Outer Space since the early 1990s, it has been a pleasure for ILA to report to the Legal Subcommittee on the progress and results of its work. ILA would be honoured to look into any other topic the Legal Subcommittee may wish to entrust to it.

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