

1<sup>st</sup> International Space Forum  
Trento, 24 October 2016

Statement by the International Institute of Space Law (IISL)  
Kai-Uwe Schrogl, President

Distinguished participants,

The International Institute of Space Law (IISL) highly appreciates the invitation to address this high-ranking conference. IISL is a sister organization of IAF and IAA, and partners with those two in organizing the International Astronautical Congresses. Today, I am pleased to take the opportunity to bring space law to your attention - and to appeal to you to consider its outstanding value.

When I ask you, what your first idea is, when you have to share your impression of space law, then, I am sure, many of you would respond: "space law restricts us, space law hinders progress."

My short address is intended to give you a totally different impression, because

- space law protects your activities,
- space law enables safe and secure space activities, and
- space law makes an equitable and fair progress possible.

This year, we celebrate the 50th anniversary of the Outer Space Treaty. Do you think that half a century has made this binding legal instrument obsolete? By no means! The principles set out in the treaty are as relevant and as important as never before:

- freedom of use,
- peaceful uses,
- sharing of benefits,
- non-appropriation,
- State responsibility and liability,
- international cooperation.

This list, even without further explanation, makes clear: these provisions are all relevant and important.

But on this basis, space law developed further and is continuously developing: space law always reacts and tries to find the balance of preserving and tackling newly emerging issues. Amongst them are:

- the safeguarding of frequencies for space services as science, all applications and operations; they are severely threatened and have to be preserved through appropriate regulation,
- the enabling of Earth observation on a global scale without limitation, thus paving the way for weather forecast, environmental monitoring, disaster management or resource management,

- the regulation of space debris mitigation and ultimately removal of space debris,
- the emergence of a space traffic management regime, guaranteeing safe space operations,
- the fair management of outer space resources.

In this setting, one particular challenge has emerged: how can it be guaranteed that private space activities are authorized and continuously supervised in a way that respects State responsibility and liability. Meeting this challenge is of utmost importance, since nobody wants flags of convenience in space. Nor does anyone in this room promote a legal regime for outer space, where the first comers grab all there is to take, and the late comers are left with empty hands. Space law has shown the world community that fairness and efficiency can be met at the same time.

For all this we need binding international rules. However, we have now observed a rather long phase of "soft law" making, in particular through UN General Assembly Resolutions. But we have to return to binding law. This is the task of governments to acknowledge and to implement this.

IISL promotes these ideas in the spirit of highlighting the value of space law. IISL is *the* professional international association for space law. It comprises around 400 individual space law experts from almost 50 countries on all continents as well as leading institutions as corporate members. IISL is observer in the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS). You might say: just a group of idealists... but, it might be mentioned that three recent chairs of the Legal Subcommittee of UNCOPUOS, the highest inter-governmental body for space law making have recently been IISL Board members (Sergio Marchisio, Tare Brisibe and myself) and further members have been working group chairs there at the same time thus demonstrating that IISL is well composed of space law experts in academia, agencies and industry as well as diplomatic practitioners. So, IISL is a unique and credible partner for all issues related to space law.

Distinguished participants,

the goal of this address was to make you aware that

- space law protects your activities,
- space law enables safe and secure space activities,
- space law makes an equitable and fair progress possible.

IISL's plea to ministers and decision-makers is the following: please care about space law and promote it as an important condition for exploring and using space! Space law originally paved the way to provide the framework for technological progress. With the continuing challenges of today, it remains essential that outer space activities continue to take place within the law. This means maintaining and strengthening the, framework and institutions of outer space law.

Thank you for your attention.