A word from the Chairman: Promoting Space Law

Promoting space law has now made its way onto the COPUOS Legal Subcommittee’s agenda, along with encouragement to the Member States to adhere to the space treaties. This is only to be welcomed.

Space law began to take shape at the very start of the 1960s, thanks to the work of the Legal Subcommittee, COPUOS and United Nations General Assembly, which every year adopted an important Resolution, starting with that covering the Declaration of legal principles governing the activities of States in the exploration and use of outer space (1963), including the Moon and other celestial bodies. However, it had to be said that although these Resolutions, mostly adopted by consensus, reflected the views of the UN General Assembly, the same was not true of the Outer Space Treaty and subsequent Agreements and Conventions, which were far from attracting a representative number of States Parties.

Nevertheless, alongside this UN space law, hundreds of bilateral and multilateral cooperation agreements were concluded. So why are support for the UN General Assembly Resolutions, the number of States party to the Outer Space Treaty and reality, that is, the need for texts providing a framework for the deployment of space activities, so out of sync?

It should be noted that when this issue is discussed at certain meetings, a comment that nationals of developing countries, in particular, make is that “space law was written by and for the space powers”. This is a view that needs to be qualified, but it is not entirely unfounded, at least historically.

Another comment that I would like to put to you is that promoting space law has been perceived and is still too often perceived as an academic exercise organised for and among “specialists”, i.e. lawyers and teachers of law. These academic colloquia organised at national and international level (such as the annual colloquia held by the International Space Law Institute) have done a great deal to further the understanding of ideas and debate in the framework of the Legal Subcommittee.

We need to think differently at present, to turn space law into a tool serving all countries, regardless of their level of development. We need to show that space law is not static, that it acknowledges and embraces the needs of all and that it should therefore be drafted with the participation of all. Far be it from me to say that we should make a clean break with the past, quite the contrary.

To this end, education at all levels (schools, universities) and regional cooperation are the two main drivers for progress. Space law is something of an unknown quantity (just ask the man in the street). By “space law”, people generally mean the law that should have been there to deal with unusual events, such as the sale of lunar plots, the transport of space tourists, or meteorite strikes - events much exploited by commercial cinema and TV.

Little is taught on the subject in our law faculties, though things are on the move in Europe, with the introduction of master’s degree courses. The education system still needs to be persuaded that all legal and scientific disciplines are concerned, that the answer lies in the multi-disciplinary approach and teachers of space law are not some kind of sub-category.

Lastly, it is essential that there should be dialogue with developing countries, that regional conventions be organised and people learn to give consideration to others and listen to their views. I am a firm believer in this type of gathering, for the development and understanding of the fundamental values of space law, so that no one is left by the wayside. After all, outer space cannot be subject to any form of national appropriation and space law cannot be so appropriated either.

Dr G. Lafferranderie
European Centre for Space Law
The 11th ECSL Summer Course on Space Law and Space Policy took place at the University of La Rochelle/ Faculty of Law (France), from 2 to 13 September 2002, and once again it was a smashing success! 42 Students from Austria, France, Germany, Italy, the Netherlands, Spain and the United Kingdom attended the courses given by highly qualified lecturers (university professors and other experts). The programme covered different issues such as the international legal framework based upon the UN treaties, national legislations, launch services, the International Space Station (ISS) general framework, remote sensing principles, the European Law on Telecommunications, and much more.

Over the two-week intense course, students worked to a tight schedule and prepared a simulation of an “international negotiation”: divided into six groups, students had to discuss and agree upon a code of conduct for a satellite navigation system. The negotiation, indeed, gave them the opportunity to test their communication and diplomatic skills as well as to put into real practice the knowledge acquired during the different modules. During this practical exercise, students could make friends with fellow students from other European countries while La Rochelle with its old port, towers, arcades, trendy streets and bars provided amazing scenery.

The ECSL Summer Course is a unique occasion for students from all parts of Europe to study space related topics with acclaimed teachers, to meet experienced professionals from the industry sector and international organisations. Through such a challenging learning experience, students acquire analytical and practical skills essential to “launch” their careers into the space sector or into any other field. By sharing this multinational environment, they develop a true European identity, so important for the future of the Union’s integration.

Discussions are under way to organize the 12th ECSL Summer Course at the Katholieke Universiteit Leuven, Belgium…so stay tuned!

For further information, contact the ECSL Secretariat:
ecsl@esa.int
8/10 rue Mario-Nikis, F-75738 Paris Cedex 15
Tel.: 0033 01 53 69 76 05
Fax: 0033 01 53 69 75 60
The Institute for International Law of the Katholieke Universiteit Leuven and the space and telecommunications consultancy Systemics Network International have together launched a series of workshops on space policy. These events will take part in the latter part of 2002 and the first half of 2003. The objective of the workshops is to accompany and complement institutional policy deliberations at a time of major realignment in inter-institutional relationships. The outcome of this process will influence the setting of overriding priorities and goals. It will therefore affect Europe’s profile in the space field for the next decade or more.

The first workshop took place at the University of Leuven on 19 September 2002. The workshop focused on issues fundamental to any space policy discussion. These included background on the present situation in Europe, a critical evaluation of Europe’s position relative to the USA and the rest of the world, an examination of the justification for current efforts and for possible future activities by ESA’s Director of Strategy, a presentation of space-policy building in the EU, a legal and institutional assessment of possible realignment options, and a look at issues of strategic communication.

The workshop sought to stimulate debate and attempted some conclusions on these themes. In particular, the presence was highlighted - at the European level - of different institutions in charge of specific aspects of space activities and consequently the lack of one, well defined, common European space policy. It was also stressed that, considering its financial investment, the EU should develop a stronger “commercial” image for its space activities and the different space programmes it carries out. Indeed, it was noted that European citizens are often not aware of who is doing what in outer space and the benefits they can derive for their daily life from space applications. The workshop also took into account elements of a Green Paper currently under preparation. It sought to channel new thinking into a draft “straw man” report, which will be circulated to the participants of the workshop. The core of this report will contain a “can do” “should do” “can’t do” “shouldn’t do” matrix, with, if possible, a rough prioritisation scheme. The subsequent workshops will review this draft critically from their perspective. An introduction to the workshop process and this first workshop’s outcomes will be published in the respected Elsevier Journal Space Policy.

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First European Space Policy Workshop, 19 September 2002
The Fundamentals

University of La Rochelle
Faculty of Law, Political Science, Economics and Management

Located within a stone’s throw of the old port and close to the Atlantic, the University of La Rochelle offers students and staff alike truly outstanding working conditions. La Rochelle is home to a host of centres of interest, serving to foster extra-curricular activities.

The University of La Rochelle is committed to a pro-active policy of innovation in the fields of teaching, research, assistance in the placement of students, in the use of new information technologies, and in global outreach. The outcome of this policy can be seen in decisive actions aimed at companies and international partners to meet their current requirements and to offer all students a career potential.

The Faculty of Law grants diplomas and both graduate and post-graduate degrees: a certificate of proficiency in law, general and honours degrees in law, a master’s degree in private or public law, and four doctorates. Several specialised courses are annexed to the Faculty: the Institute of Judicial Studies, the Institute of French-speaking Legal Studies, the preparation Centre for Administrative Examinations, the professional university Institute in Commerce and Sales Techniques, a master’s degree in international hotel sciences and techniques.
Satellite remote sensing in aid of development: Legal Considerations (Tunis, 26 - 27 September 2002)


The main areas covered were: access to the space sector, development of a ground segment, access to satellite data and their utilisation, and the training of specialists.

Thanks to the reliability and growing diversity of the data it provides, remote sensing by satellite has now become an obvious technique with which to inventory, monitor and conserve the planet’s resources for the benefit of mankind.

The legal aspects cover all the provisions of a statutory, regulatory and universal nature that govern space policy in general and remote sensing in particular. They are no less important than the scientific and technical aspects.

The purpose of this gathering was to foster awareness of space law, of the provisions relating to remote sensing and of the policies and practice of the various players. The conference focused in particular on the economic benefits developing countries can derive from satellite observation in order to manage and better use their natural resources.

The meeting was aimed at decision-makers, national focal points for remote sensing, and professionals belonging to CRTEAN Member States. Participants from Europe came from various institutions such as CNES, EUMETSAT, Spot Image, ESA, universities (Padua, Rome). The colloquium was intended to be a forum for exchange of experiences and for discussion. The participants from the Northern African Countries (Algeria, Egypt, Libya, Morocco, Syria, Tunisia) ended the meeting by agreeing upon a non-binding draft “declaration” where they stressed the need for enhancing space education, developing regional and international cooperation, and promoting an easier access to space data. This document will now be submitted to the CRTEAN governing council for adoption (next December). The proceedings of the event should be available very soon.

Manfred Lachs Space Law Moot Court Competition at the 53rd International Astronautical Congress (Houston, Texas USA, 10-19 October, 2002)

The Finals of the Manfred Lachs Space Law Moot Court Competition took place in Houston, Texas, during the 53rd International Astronautical Congress. Professionals from different fields, academia, policy makers and scientists attended the meeting, which provided a world forum to discuss inter-alia space applications, law, science and technology.

The aims of the Manfred Lachs Space Law Moot Court Competition are to promote the interest in, involvement in and knowledge of space law among students, by providing a fair and competitive environment for the exchange of thoughts and the deepening of understanding of space law. The organisation of the Manfred Lachs Space Law Moot Court Competition takes place under the auspices of the International Institute of Space Law (IISL). The ECSL is responsible for organising the European rounds.

Unfortunately, the European Team, represented by Ms. Sagee Sasikumar and Mr. Sethu Nandakumar from the University of Warwick (UK), coached by Dr. Ben Chigara, failed to reach the finals; the American Team won the Manfred Lachs Trophy. Competition was tough and all the participants worked hard on the case they had to defend in front of a panel of judges from the International Court of Justice. Ms. Sagee Sasikumar and Mr. Sethu Nandakumar represented Europe admirably in the competition and deserve full credit for their excellent analysis and true commitment; the ECSL wish them every success in their future careers!

Registration deadline for the 2003 Manfred Lachs Space Law Moot Court Competition for Europe is Friday 10 January 2003.

For further information, visit: http://www.spacemoot.org/
From Monday 18 to Thursday 21 November a Workshop on ‘Space Law Capacity Building’ took place at the Ministry of Foreign Affairs of the Netherlands, in The Hague. With the support from inter-alia ECSL, the United Nations Office for Outer Space Affairs and the International Institute of Air and Space Law at Leiden University had organised this four-day event, targeted in particular at the developing countries. The main aim after all was to discuss the benefits not just of space activities proper, but especially of using legal and regulatory means to preserve and enhance those benefits, and of consequently building capacity to analyse, understand and implement existing law, and to further develop law wherever found necessary. Indeed, many representatives from a wide variety of developing countries attended the meetings, discussing with representatives from developed countries, from international organisations and from the space industry and academia how to develop such capacities.

Topics discussed varied widely, from a general overview of legal developments in space law - e.g. on registration of space objects, telecommunications, UNIDROIT and regional cooperation - to a session on national legal developments (both existing: USA, Russia, UK, Australia, Sweden, Brazil; and prospective: China, India, Malaysia). More specifically focusing on space law education issues, inter-alia the ECSL summer course, the IISL moot court, and academic curricula such as the Leiden LLM, the Miami School of Law programme and the ISU programme were presented and discussed.

The workshop offered ample time for discussions, and this indeed allowed some participants to make additional short statements on space law activities or programmes within their respective countries. All in all, the workshop was a success in allowing many people from all over the world to discuss in some depth the need for further space law developments as well as for educating policy- and law-makers at home on their roles in those developments.

For more information you may wish to get in touch with the Conference Organisers, Dr. Frans von der Dunk, Co-Director, IIASL, Leiden, nnderdunk@law.leidenuniv.nl, and Mr. Charles Davies, OOSA, Vienna, Charles.Davies@oosa.un.or.at

Inaugural Ceremony of the DESS Space and Telecommunications Law in CNES

Monday 30 September, 2002 was a very special day for all the members of the space law education community, with the inaugural ceremony of the recently accredited French post-graduate degree in space and telecommunications law. This diploma was created with the support of the national and European space institutions and companies. It aims at satisfying their need for young and highly qualified graduates and opens up new perspectives, as it is the first one in the world to combine space law and telecommunications law.

More than 250 people attended the ceremony, including academics and practitioners coming from the most prestigious institutions and businesses in the sectors of space and telecommunications. All these distinguished guests joined the 20 enthusiastic students of the first class sponsored by CNES, representing 10 nationalities, including 8 ESA member states.

Students are currently at work and we look forward to meeting them in a couple of months as real professionals.

For further information: Faculté Jean Monnet - Service du troisième cycle 54, boulevard Desgranges - 92331 Sceaux CEDEX +33 (0)1 40 91 17 63
Advanced Lectures on the Legal Regime of Remote Sensing for Argentinian Specialists – Matera (Italy), 9 October 2002

An advanced training course on remote sensing applications has been organised for Argentinian specialists by the Italian Space Agency (ASI), in the framework of the bilateral co-operation with the Comision Nacional de Actividades Espaciales (CONAE) of Buenos Aires.

The course, which began in September 2002 at the ASI Centro di Geodesia Spaziale in Matera (Italy), aims to develop a large range of products and applications for advanced research.

Part of the training course has been devoted to the “Legal Regime of Remote Sensing and Data Legal Protection” and in October, Prof. S. Marchisio, Vice-President of ECSL, was invited to cover some of the more advanced aspects of this matter.

The course, attended by more than 30 remote sensing specialists, is foreseen to end in December 2002.

National Space Law in Europe

The French Authorities (the French Ministry on Space Matters) are planning to hold a colloquium at the European level on 12-13 December 2002, at the Assemblée Nationale (Paris) for presenting and debating the results of their work related to a national framework legislation for the conduct of space activities.

Contact: Philippe CLERC Ministère de l’Éducation Nationale, de la Recherche et de la Technologie 1 rue Descartes 75231 Paris Cedex 05 France Phone: +33 01 55 55 98 59 Fax: +33 01 55 55 98 46 E-Mail: Philippe.clerc@espace.gouv.fr

54th International Astronautical Congress (29 September-3 October, Bremen, Germany)

The Congress will cover different issues, such as: questions relating to nuclear power sources; space traffic management and navigation; space law and international security; other space related topics.

University of London, Queen Mary College Space Law Course 2002-2003

The Queen Mary College of the University of London is proud to announce its new Space Law Course. Space law is of concern to governments in implementing national and international space programmes and also to the private sector and legal practitioners in connection with the increasing commercialisation of space activities. The space legal regime consists of international treaties and principles as well as municipal law governing space activities.

The course consists of 14 two-hour lectures, starting on 3 October 2002. The lectures cover the international and municipal legal regime of space law, the working of relevant international institutions, and deals with specific space applications and the commercialisation of space activities.

The first part provides an introduction to the space environment and space technology, and the scientific and political developments which led to the emergence of an international legal regime regulating space activities. It covers the five treaties and the sets of principles developed by the United Nations Committee on the Peaceful Uses of Outer Space. Other subjects covered in the first part include space as the common heritage of mankind, non-appropriation of space, the application of international law, the peaceful uses of space and arms control, environmental protection and the problem of space debris, the difference between the regimes of air law and space law, the resolution of space disputes, and the work of the UN, EU and the role of the ITU.

The second part of the course focuses on particular space applications and the commercialisation of space activities. It covers national regulation and applicable licensing conditions; satellite communications and direct TV broadcasting; remote sensing; intellectual property rights; and global navigation satellite services. Also covered are international satellite organisations; space transportation systems; the use of satellite launchers, the Agreement on the International Space Station; contractual conditions for the purchase, manufacture and financing of satellites, and for the procurement of satellite launches, and space insurance.

For an application form please contact Lorraine Mulpeter at the Institute of Computer and Communications Law, Centre for Commercial Law Studies, Queen Mary College, University of London, London E1 4NS email: itlaw@qmul.ac.uk, tel: 020 7882 5125, fax: 020 7882 7704.
Europe and Space Debris: International Colloquium organised by the French National Academy of Air and Space (27-28 November 2002)

The Colloquium is intended to provide opportunities to:

- Examine technical, political, legal and financial measures in order to effectively reduce space debris for the benefit of public and private space activities;
- Discuss the need for national legislations on space debris;
- Study and promote international coordination and cooperation;
- Consider the implications of recommended measures for commercial competition.

The aim is to submit propositions and recommendations to the relevant French and European authorities.

Location:
Amphithéâtre de l’Institut Aeronautique et Spatial, Complexe scientifique de Rangueil, 23, avenue Edouard Belin, Toulouse (France).

For more information: Académie Nationale de l’Air et de l’Espace Ancien Observatoire de Jolimont - 1, avenue Camille Flammarion - 31500 Toulouse Tel.: 33 (0)5 34 25 03 80 - Fax: 33 (0)5 61 26 37 56 e-mail: a.n.a.e@wanadoo.fr - website: http://assoc.wanadoo.fr/anae

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# University of Aberdeen, Scotland

Prof. Francis Lyall has taught an undergraduate course in Space Law in the Law School of the University of Aberdeen, Scotland, since 1990. The course began by dealing with Air and Space Law, but since 1992 has dealt with Space Law only. Now one of the many options which can be taken at Honours level in the modularised LL.B., the course runs for twelve weeks in the Winter Term and is taught in seven seminars - with the students expected to do much other reading. The present topics are: Sources; the Boundary Question; matters of control, Registration and Liability; International Telecommunications Organisations, the International Telecommunication Union, and Remote Sensing. The course is popular and student numbers are high - there are fifty in the class of 2002-3. Only a few students have, however, gone on to further Masters’ work in Space Law. Two or three have gone into practice and work on Space Law or space-related matters. Most students are British, although occasionally a Socrates or Erasmus student has taken the course. Apart from the Honours course Prof. Lyall has recently supervised one LL.M. thesis on Satellite Broadcasting Policy in Asia. A PhD on Remote Sensing and the Developing Countries is at present under way.

For further information: Prof. F. LYALL, University of Aberdeen (Dept. of Law), Taylor Building, Room C31 Aberdeen AB9 2UB, Scotland (UK) Phone: +44/224-272143 (fax +44/224-272442) E-Mail: law015@abdn.ac.uk

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# Leiden University

For the third year now, the International Institute of Air and Space Law at Leiden University offers its full-year, post-graduate LL.M. Programme in International Air and Space Law. Again a select group of some 13 participants from all over the world have come to Leiden, next to a handful of participants to individual modules of the Programme. The audience is more or less equally divided between participants just having finished law studies and those already working in one of the applicable sectors for some years.

The programme consists of five main courses (Public Air Law, Private Air Law, Space Law - Treaties & Lawmaking, Space Law - Applications, Institutions and National Law, and European Aerospace Law), a few additional courses, an internship with a government agency, IGO, commercial company or law firm substantially engaged in either air or space law, and finally a thesis.

For more information kindly contact Dr. Frans G. von der Dunk, Co-Director of the Institute, fax +31-71-527600, e-mail f.g.vonderdunk@law.leidenuniv.nl, or visit our website, at http://www.leidenuniv.nl/law/airspace/

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# University of Cologne, Germany (teaching language: German)

Professor Stephan Hobe regularly teaches a course on air and space law in the summer semester. Upon request a certificate of successful participation can be provided if an examination is taken.

A seminar on air and space law is also offered regularly in the winter semester: Here besides student presentations, practitioners come in to bring in their experience: In the winter semester 2002-03 the seminar deals with international economic legal problems of the air and space business:

Two doctoral theses are currently under way:

For further information: Professor Dr: Stephan Hobe, Institute of Air and Space Law, University of Cologne, Albertus Magnus Pitz, D-50923 KOELN, Phone: +49-221-470 2337, Fax: 221 470 4968, E-mail: stephan.hobe@uni-koeln.de
On the basis of the UN General Assembly Resolution 56/51 of 10 December 2001 (§81) entrusting the COPUOS Legal Subcommittee to review the comments/proposals made by the UNESCO World Commission on the Ethics of Scientific Knowledge and Technology (COMEST), currently chaired by Prof. Fenstad (Norway), an ad hoc experts group has been set up; the experts are nominated by COPUOS Member States. The aim of the group is to submit a report to the legal subcommittee at its spring session (2003), under the agenda item “Information on the Activities of International Organisations relating to Space Law”.

During the June 2002 session of the COPUOS, the nominated experts, with representatives of the UNESCO/COMEST and ESA/ECSL (the latter chaired the meeting) held an informal summit, which was attended also by some delegates of COPUOS countries which have not yet designated their experts.

The group was briefed on the current work of the COMEST subgroups on ethics and space activities and reviewed the relevant calendars of COMEST-Subgroups and of the COPUOS experts group in order to achieve, in due time, the best possible coordination and understanding of respective competences and tasks.

The COPUOS experts group report should contain an analysis of ethical principles as defined in the outer space law and relating to current and future human activities in outer space.

The recommendations prepared by the COMEST Subgroup on the ethics of space activities (drafted on the basis of the COMEST Conference held in Berlin in December 2001) were finalised in July 2002.

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Another step towards the setting up of a European Space Policy Institute (ESPI)

At its meeting of 8-9 October 2002, the ESA Council adopted a proposal concerning ESA’s participation to the creation of the ESPI council and of an ad hoc working group entrusted with the task of choosing the hosting country of ESPI. The working group should submit a decision to the Council in December 2002.

ESPI will be the core of an international network of interdisciplinary think tanks, bringing together researchers in different fields related to space; it will publish articles and books and constitute an element of the ESA education policy (doctoral and post-doctoral research work).

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The ECSL has a new Vice President!

Sergio Marchisio was elected as a member of the ECSL Board in 2001 and became Vice-Chairman in 2002. Since 1997, he has been a full professor on international law at the University of Rome “La Sapienza”, where he also teaches Airspace Law. He has previously been professor at the University of Perugia, where, in 1999, he co-organised the Third ECSL Colloquium on “International Organisations and Space Law: Their Role and Contributions”.

As Secretary General of the Italian Society of International Law, he is a member of the International Institute for Space Law and several other scientific international bodies. He was among the founders of the Italian Center for Space Law. As Director, from 1991, of the Institute for International Legal Studies of the Italian National Research Council he has given growing relevance to the branch dealing with space law. Professor Marchisio has published several books and articles on international law, European Union law and space law, mainly on international space organisations and remote sensing.

As a Legal Expert of the Ministry of Foreign Affairs, he is member of the Italian delegation to the UNCOPUOS Legal Subcommittee and has been a delegate to several other UN diplomatic conferences. He followed the negotiating process of the Cape Town Convention on international interests in mobile equipment and is now actively involved in the negotiations regarding the UNIDROIT Space Protocol to the same Convention.
The time has come to renew your annual membership in order to allow the ECSL to carry out its tasks and be active in the space sector.

Please fill in the form below and send it back to:

ECSL Secretariat (Membership)
c/o ESA, 8-10 rue Mario-Nikis, F-75738 Paris Cedex 15
France
Tel.: + 33 (0)1 53 69 76 05
Fax: + 33 (0)1 53 69 75 60
Email: ecsl@esa.int

Name ....................................................... 

Firm/University/other ....................................... 

Address ..................................................

Phone ....................................................

Fax ......................................................

Email ....................................................

I accept the principles contained in the ECSL Charter of 12 May 1989, as subsequently amended by the General Meeting of the ECSL Members.

This form has to be accompanied by the payment of the following membership fees:
- Students: 20 Euros
- Other individual members: 40 Euros
- Corporate members: 200 Euros

I hereby apply for membership as:
- Student
- Other individual member
- Corporate member

I enclose my payment by
- Bank cheque made out to ESA/ECSL
- Bank transfer to Barclays Bank, Agence Suffren, compte 014184830189, RIB 96, Guichet 62019, Code Banque 30588, Att. ESA/ECSL

Date ......................................................

Signature ..................................................