

ECSL

European Centre for Space Law

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Special Issue

The Role and Place of the National Points of Contact (NPOCs) Within the ECSL

A Word from the President

We could not present this special issue without first referring to the global-scale human tragedy we have all been witnessing since 26 December last: the horrific tsunami. A huge earthquake set off massive tidal waves which travelled across the Indian Ocean at speeds of around 800 kilometres per hour, devastating everything in their wake. And all this happened just after the Christmas Day festivities, at a time when people everywhere had been preparing to welcome in the New Year, and in a region whose natural beauty attracts thousands of tourists from all over the world. Then the waters subsided, leaving whole populations bereft and vast stretches of coastal land wrecked.

We must surely spare a special thought for all those children swept away from their parents. For the parents parted from their families. For all those who have lost everything they once had. For the countries and economies that now need to be rebuilt, if the will to do so is ever recovered. Will the fear ever be banished?

In such a materialistic world, many have been surprised by the outpouring of generosity on the part of countries in the region, generosity extending beyond what the governments have been pledging to provide. And amid all the emotion, it is good to see this human side coming through. What a lesson for us all!

We need to face up to the fact that the technical means developed for the prevention and management of natural disasters have their limits. Communication satellites (leaving aside the part played by the Internet) and observation satellites monitoring the Earth's resources apparently saw nothing coming. Whereas, in the animal kingdom, elephants apparently sensed the danger and began to wail, as if anticipating the drama that was about to unfold.

This humanitarian disaster of global proportions must surely make us stop and think. We can never totally shield ourselves from the threat of natural disasters of such huge magnitude – whether it be a tsunami as on this occasion, or an asteroid crashing down to Earth at some time in the future. We simply do not have adequate contingency planning to be able to cope in such situations. And insuring against accidents always seems expensive before they actually happen.

It is therefore under the auspices of the various regional and global organisations that the prevention and emergency relief plans need to be thought through, drawn up and put in place, even if they are not used. Life is not a merchandisable commodity. And space systems clearly have their part to play: telecommunications, network interconnections, the Internet, protected frequencies, maintaining a planetary-scale satellite network in orbit, observation of the oceans, the Earth's crust, deep space, falling-back debris, climate change, and so on. All this calls for the pooling of all available resources and know-how, in order to better manage the inevitable chaos that ensues when disaster first strikes.

It is for this reason that outer space must be kept as a sanctuary serving the needs of us all, far removed from any mercenary inclinations, a province where charity prevails.

Dr G. Lafferranderie
European Centre for Space Law

ECSL SPECIAL MEETING:

The Role and Place of the National Points of Contact (NPOCs)

Within the ECSL Architecture

The special meeting between the ECSL Board and the NPOCs took place on 17 December 2004 at ESA Headquarters in Paris. The meeting was called to order at 10:00 and ended at 16:00. For the agenda of the meeting, see Annex I; for the list of participants see Annex II.

I. Call to Order

Mr Lafferranderie, Chairman of the ECSL, welcomed the participants, and highlighted the fact that this was the first joint ECSL Board and NPOCs meeting.

Mr Lafferranderie introduced the most recent achievements of the ECSL (Summer Course Proceedings, ECSL Legal Database, upcoming issue of the ECSL Newsletter, etc) and briefed the participants on the current status of the ECSL.

Mr Lafferranderie stressed the importance of taking into consideration the following points:

- the insufficient information on the situations of the NPOCs (e.g. membership) and their activities;
- the poor exchange of documentation, such as thesis, mémoires, articles and papers etc.,
- the afore-mentioned absence – for the time being – of universities/institutions willing to host the next major ECSL events, such as the European Round of Manfred Lachs Space Law Moot Court Competition;
- the importance of not confusing ECSL activities with the ones of the Board and of its office.

Mr Lafferranderie proposed:

- to regularly hold a joint meeting during the interval between the two General Assemblies;
- to reinforce the exchange between NPOCs (conferences, student exchange, etc.);
- to clarify the role of the NPOCs as reference and information points at national levels (organisation of the Summer Course, Moot Court, etc.);
- to reserve a part of the ECSL Newsletter for the NPOCs and vice versa.

II. NPOC Activities

Mr Lafferranderie then gave the floor to each NPOC representative at the meeting. A brief summary, in the order presented, of each status report follows (full-length texts will be published on the ECSL website as soon as possible: www.esa.int/SPECIALS/ECSSL/).

Italy

The International Institute for Legal Studies of the National Research Council (CNR), directed by Prof. Marchisio, has been acting as Italian NPOC ever since the previous Italian Centre for Space Law, set up in 1992, gradually transferred its functions. The Institute is the focal point for the reorganisation of the Italian NPOC and the adoption of a new statute, which will be approved and published early 2005. The Italian NPOC will act under the auspices of the Ministry of Research and of the Ministry of Foreign Affairs; it will be completely independent. Furthermore, it will be a private institution according to Italian civil law. Membership will be open with the aim of cross-sector representation. The Italian NPOC is focusing on fostering the knowledge of space law at a national level and its activities are four-fold: participation in ECSL initiatives, training and education, international cooperation, and research.

United Kingdom

The UK NPOC has over 25 members who come from different sectors (insurance, banking, private sector, consulting, law-making bodies, etc). Over the past years, the UK NPOC has focused on the issue of space debris and will probably organise a conference on this subject in 2005. The UK NPOC has been approached by the media (television) in order to increase the general public's awareness of space law. It is currently negotiating with the University of Surrey to host the 2005 European Rounds of the Manfred Lachs Space Law Moot Court Competition, which could be associated with a workshop on scientific and technical aspects of outer space (micro-satellites/constellation for disaster monitoring and prevention).

France

Prof. Kerrest is now the Chairman of the Association Française pour le Développement du Droit de l'Espace en France, whereas Prof. Achilleas is the General Secretary. The French NPOC is currently working on a "Liber Amicorum" for Ms. S. Courteix.. As far as education and research are concerned, the French NPOC is largely involved in the Institut du Droit de l'Espace et des Télécommunications (IDEST) activities (and, in particular, in the Master in Law of Telecommunications and Space Activities), and will take part in the follow-up of the World Summit on Information Society in Tunis late 2005.

Spain

The Spanish NPOC has an open membership, which currently includes the national space industry, lawyers and students. The Spanish NPOC was set up in 1992 as a non-profit organisation and has a newsletter which is issued three times a year. The Spanish NPOC is digitalising as many space-relevant documents as possible to be uploaded to the website of the "CENTRO ESPAÑOL DE DERECHO ESPACIAL" (CEDE, www.cede.org). The Spanish NPOC organises workshops and conferences. The President, Ambassador Lacleta, has been granted observer status to the Inter-parliamentary Space Conference and has been tasked to develop a draft national space legislation.

Finland

Prof. Andem teaches private international law and comparative law, and is also responsible for air and space law in his faculty. The Finnish NPOC regularly participates in ECSL activities, such as the ECSL Summer Course, and in other international conferences, such as the IAF annual congress. The main aim of the Finnish NPOC is to stimulate interest in space law at a national level in liaison with other national research centres. The Finnish NPOC maintains contact with other institutions around the world involved in space research/activities (Argentina, Uruguay, The Netherlands, Afghanistan, etc).

Austria

The Austrian NPOC has no legal personality. It has developed close relations with Austrian universities in the field of space law and hopes to also get the involvement of the University of Vienna in the near future. The Austrian NPOC is trying to develop a multidisciplinary approach, and to raise the interest of both law students and students with other technical back-grounds for space issues. The Austrian NPOC is also working closely with the media in order to assure that the general public receives accurate information concerning the legal framework of outer space (e.g. sales of moon parcels). The Austrian NPOC has two main information tools: a newsletter and websites (www.ang.kfunigraz.ac.at/~bruenn and www.spacelaw.at). Over the next two years, the Austrian NPOC will organise a series of meetings/conferences on the problems caused by the digital divide in Latin American, Eastern and Central European countries, with the support of the UNOOSA in Vienna and of the Austrian authorities.

Germany

The German NPOC has over 50 members and no legal personality. The members

meet every June. The German NPOC has been deeply involved in the 2001+ Project, which will be concluded in June 2005 (June 2005: Institute of Air and Space Law, University of Cologne and the German Aerospace Center (DLR) "Project 2001 Plus – Global and European Challenges for Air and Space Law at the Edge of the 21st Century", Maternushaus Cologne, Germany, contact: Mr. S. Mick, e-mail: Stephan.mick@uni-koeln.de). The German NPOC is also involved in teaching space law and in supporting Ph.D re-search. It regularly presents papers at international fora, such as IISL conferences. Additionally, it has played a major role in setting up the database of the Cologne Institute of Air and Space Law, which now counts more than 8000 entries. A link to the ECSL Legal Database could be possible. The German NPOC regularly publishes articles in the German Journal of Space Law.

Belgium

The Belgian NPOC does not have its own legal personality but is based in the Institute for International Law of the University of Leuven. The Belgian NPOC hosted, in 2003, the ECSL Summer

Course. Since 2002, it has been actively involved in the organisation of workshops on European Space Policy, the latest (fifth), on space exploration, took place in September 2004. The Belgian NPOC plans to call a meeting in January 2005 between the various Belgian universities in order to organise a conference on space law, the specific topic is yet to be agreed. This conference would take advantage of all the legal competences present in Belgium. As far as space related activities are concerned, two approaches are being followed:

- the strengthening of the space law module taught at the law faculty (which attracts students from all over the world); and
- the broadening of these activities with participation in the Interdisciplinary Centre for Space Studies, recently formed, which aims at promoting space education in general, but also at becoming an academic think-tank on European Space Policy.

The Netherlands

The Chairman referred to the report sent by the Dutch NPOC, which was distributed to the participants.

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III. ECSL Legal Database and Space Law Teaching in Europe

Ms. Caparros presented the ECSL Legal Database, its structure, aims and content. The participants praised the results achieved, and came up with suggestions and comments for its improvement. It was agreed that the information has to be sent by 15 January, at the latest. Indeed, the NPOCs were invited to complement the data related to the brochure, Space Law Teaching in Europe. It was underlined that this exercise is independent from the OOSA request (recently distributed) for information on space law teaching world-wide.

IV. Open Discussion

Everybody agreed on the importance and usefulness of convening such a meeting in order to exchange information on the activities at national levels. It was proposed and approved to have such a meeting at least once every two years (i.e.

in the time between the two ECSL General Assemblies), possibly with each NPOCs hosting the meeting in turn.

The participants noted that NPOCs often neglected to inform the ECSL, and other NPOCs, of their activities in a timely manner. In order for the ECSL and the NPOCs to function properly, it was agreed to keep the information exchange as regular and constant as possible.

The participants agreed to revitalise the ECSL network and to get the individual members more involved in ECSL and/or NPOCs' activities at national levels.

V. ECSL Charter

The ECSL Charter should therefore be revised in order to better define the NPOCs' role in relation to the ECSL overall structure (Board, General Assembly, Secretariat, individual members).

It was then agreed the ECSL Secretariat

will thoroughly study the ECSL Charter in order to update it and to draft a proposal of an amendment. More precisely, the latter shall be discussed and drafted by three people from the ECSL Board and/or NPOCs and submitted for approval to the General Meeting of the ECSL General Assembly. The goal is to include in the text of the ECSL Charter the role of the NPOCs within the ECSL architecture (in particular Art. 2, para. 4; Art. 5). From the procedural point of view, by the end of February, the ECSL Secretariat shall circulate the amendment proposal for consideration in order to receive comments and suggestions. This amendment will then be presented for approval at the next ECSL General Assembly. It was also agreed that the ECSL Secretariat shall receive a written report from each NPOC to update the information on the ECSL website by the end of February 2005.

In summary, the participants approved the following list of actions.

LIST OF ACTIONS

- Improve the communication exchange between the NPOCs and the ECSL Secretariat.
- Improve the network and the communication amongst the NPOCs (information on current activities, future joint projects, cooperation proposals, etc.).
- Promote and support ECSL activities; promote the ECSL Legal Database.
- Promote space law at national levels; promote public awareness of the relevance of space law; study/encourage the development of national space laws.
- Support the ECSL in completing the Space Law Teaching in Europe brochure (i.e. identify law faculties already teaching space law and/or interested in setting up space law courses).
- Provide the ECSL Secretariat with the most up-to-date information on NPOC structure, organisation and activities (also for the ECSL website); inform, in a timely manner, the ECSL on any relevant changes (e.g. contact person, address, etc.).
- Submit a report on each NPOC by the end of January to be included in a special issue of the ECSL Newsletter on "The ECSL National Points of Contact" (the newsletter will also feature other articles/reports, such as the Indian Society of International Law Conference New Delhi, Prof. Marchisio & Mr. D. Sagar; UNIDOIT, Prof. Marchisio).
- Enhance a multidisciplinary approach.
- Regularly convene a joint ECSL/NPOCs meeting in the interval between the two General Assemblies, possibly to be held in turn by each country.
- Study the ECSL Charter and submit amendment proposals to insert the NPOC and their role in the ECSL Charter for discussion and approval at the next ECSL General Assembly.

Annex I - Agenda

09:45	Registration and coffee	Coming activities of ECSL with the support of NPOCs: organisation/ hosting of the next European Round of the Manfred Lachs Space Law Competition (May/early June 2005), the ECSL annual Summer Course (September 2005, current proposal: Lisbon, Portugal), the Practitioners Forum (topics, speakers, etc.).	16:00-16:30 Actions to be taken for the next ECSL Biannual General Assembly (June, 2005), steps (candidatures, etc). Conclusions on the above points.
10:00	Welcome speech Mr. Lafferranderie, ECSL Chairman Introduction: the place of NPOCs within the ECSL structure and their role in relation to the ECSL mission (Mr Lafferranderie)		
10:20	Organisation of the meeting and definition of its objectives	14:30-15:30 Presentation of new services and activities and improving existing products: <ul style="list-style-type: none">• ECSL Legal Database (presentation, questions and answers);• ECSL initiatives: <i>In Orbit Over Space Law & Space Law Teaching in Europe</i>;• other joint events: conferences, workshops, seminars;• respective newsletters/bulletins (inputs from the NPOCs in the ECSL Newsletter and vice versa);• exchange of documents and information (thesis, mémoires, research)• assistance to students, teachers and other interested communities (governmental officers, practitioners, etc.).	<u>List of Available Documents:</u> <ul style="list-style-type: none">• ECSL Charter as amended in 2001• List of NPOCs (contact details)• NPOC reports (if sent in advance)• ECSL Newsletter, #28• <i>In Orbit Over Space Law</i>• <i>Space Law Teaching in Europe</i> (plus a questionnaire in order to complete the survey)• ECSL Summer Course Proceedings – School of Law, University of Graz, Austria, CD-ROM• List of upcoming events (first half 2005)• ECSL Legal Database• Official Rules of the Manfred Lachs Space Law Moot Court Competition; 2005 case and deadlines
10:30	The NPOCs Presentation of each NPOC and of their activities, in particular on: <ul style="list-style-type: none">• form (legal personality, if any); location, address, contact person• membership status;• recent activities and future projects (newsletters, conferences, etc.);• relations with other NPOCs.		
12:15	Lunch Break		
13:45-14:30	Remarks and suggestions on reciprocal relations: how to improve ECSL-NPOCs respective contacts and roles	15:30-15:45	Coffee break

Annex II - Participants

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Prof. Christian Brünner (Board Member/NPOC) Ms. Andrea Kleinsasser (NPOC)	Dr. Jurgen Cloppenburg (representing Prof. Stephan Hobe, Board Member/NPOC)	Mr. D. Sagar (Board Member) Prof. F. Lyall (Board Member)
Belgium	Italy	ECSL
Mr. Walter Thiebaut (representing Prof. Jan Wouters, NPOC)	Prof. Sergio Marchisio, ECSL Vice Chairman (Board Member/NPOC) Dr. Viviana Iavicoli (NPOC) Dr. Ornella Ferrajolo (NPOC)	Mr. G. Lafferranderie, ECSL Chairman Mr. Alberto Marchini, ECSL Executive Secretary Ms. Rocio Caparros, ECSL YGT
Finland	Spain	Excused:
Prof. Maurice Andem (NPOC)	Prof. Juan Manuel de Faramiñan (Board Member/NPOC) Mr. José Luis San Pio (NPOC)	Prof Dr. Frans von der Dunk (NL) Mr. Pedro Rosa (P) Mr. Frédéric Meyer (CH)
France		
Prof. Armel Kerrest (Board Member/NPOC) Mr. Philippe Achilleas (NPOC)		

List of ECSL National Points of Contacts (NPOCs)

Further information on the ECSL NPOCs is available on the ECSL website: www.esa.int/SPECIALS/ECSL/

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