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English only

**Committee on the Peaceful Uses
of Outer Space**

Legal Subcommittee

Forty-ninth session

22 March – 1 April 2010

Item 10

Capacity-building in space law

Building capacity in space law: actions and initiatives

Note by the Secretariat

1. At its forty-eighth session, in 2009, the Subcommittee recommended that member States, permanent observers of the Committee on the Peaceful Uses of Outer Space and the Office for Outer Space Affairs inform the Subcommittee of any actions taken or planned on a national, regional or international level to build capacity in space law.

2. The present document contains the information received from Austria, Czech Republic, Germany, Iraq, Japan, Thailand, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

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I. Information received from member States

Austria

[Original: English]

Space law forms part of the general course on International Law which is a compulsory subject at all Austrian law faculties (Vienna, Graz, Salzburg, Innsbruck, Linz). In addition, some faculties offer specialized courses on space law as an optional subject.

At the University of Vienna, there are two courses offered by Prof. Irmgard Marboe: “General Legal Framework of the Use of Outer Space Technologies” and “Special Legal Issues of the Use of Outer Space Technologies”. The courses are offered in the winter semester each academic year. They are taught in English and are open to Austrian students as well as to exchange students, in particular from the Erasmus programme.

At the University of Graz, Prof. Christian Brünner offers a course and a seminar on “Space Law and Policy”, together with Mag. Alexander Soucek. The course is offered every winter semester and is also taught in English.

At the university of Innsbruck, seminars are offered on an irregular basis, sometimes in cooperation with the Institute of Astronomy.

Furthermore, Austrian students regularly take part in the Summer Course on Space Law and Policy offered by the European Centre for Space Law. In 2009, six Austrian students were selected to participate.

Czech Republic

[Original: English]

At each of the four Faculties of Law, which exist in the Czech Republic (Universities in Prague, Pilsen, Brno and Olomouc), teaching of space law has been included in the curricula of the main courses of international law. Moreover, legal aspects of space activities, as regulated by international agreements (primarily by the United Nations Treaties and Principles on Space Law) and national laws and policies, as well as instruments and bodies of international space cooperation, are usually subjects of the seminary programmes individually established by each faculty.

During the 61st International Astronautic Congress to be held in Prague, Czech Republic, 27 September – 1 October 2010, the 53rd International Institute of Space Law (IILS) Colloquium on the Law of Outer Space will be organized. The Colloquium will address various aspects of the law of outer space structured in six sessions.

As a part of the Congress, the world finals of the 19th Manfred Lachs Space Law Moot Court Competition will be also organized by the IISL and held at the Regional Court of Pilsen, Czech Republic, on 30 September 2010.

Germany

[Original: English]

European Centre for Space Law (ECSL) Summer Course on Space Law and Policy

The main objective of the annual European Space Agency (ESA) Summer Course is to simulate students' interest in this particular field of international law and to provide them with knowledge upon which to build their professional career or carry out further academic research. In the last years, students from universities all over Germany (Bonn, Bremen, Cologne, Dresden, Giessen, Lueneburg, Tuebingen) participated at these specialized courses.

Manfred Lachs Space Law Moot Court Competition

Each year ECSL organizes, together with the International Institute of Space Law (IISL), the European Round of the Manfred Lachs Space Law Moot Court Competition. Regional winners from Europe, Asia and the Pacific and United States then compete in the world finals, held in conjunction with the annual International Astronautic Congress. In 2008, the winner of the European Round was the team of the University of Augsburg (Germany).

German Universities

A growing number of German universities are offering lectures in space law (f.e. Bonn, Bremen, Cologne, Dresden, Giessen, Lueneburg, Tuebingen).

Iraq

[Original: Arabic]

There are currently no actions or initiatives taking place in Iraq that aim at building capacity in space law, but Iraq recognizes the importance of this matter.

Japan

[Original: English]

The Japan Aerospace Exploration Agency (JAXA) contributes to capacity-building in space law by providing financial support to university and graduate students from countries from the Asian and Pacific region to participate in space-related international meetings, through its Space Education Centre, as

well as by creating a legal database on space law and accepting interns within its Legal Affairs Division.

JAXA has been providing financial support to the winning team of the Asia and Regional Round of the Manfred Lachs Space Law Moot Court, organized by the International Institute of Space Law (IISL), to participate in the competition's World Finals. The World Finals take place during the International Astronautic Congress (IAC). To date, JAXA has supported members of successful teams from Australia, India, New Zealand and Singapore.

While the support is not exclusively limited to law students, financial support for travel has also been provided to a limited number of selected students to participate in the biennial International Symposium on Space Technology and Science (ISTS), which includes a session on space law and policy. The author of the best paper submitted to ISTS by the students has been provided with additional support to participate in the IAC.

JAXA, through its Space Education Center, continues to provide training opportunities for all Japanese university and graduate students by funding their participation in IAC. JAXA also provides financial support for students to take part in the annual symposium, and the Space Studies Programme and Masters programme of the International Space University, which take up space policy and law among other subjects. In its efforts to encourage Japanese law students to interact with leading space lawyers as well as students from other countries studying space law, JAXA provided financial support, in 2009, for the representatives of the winning team of the Space Law Japan Students Conference to attend the World Finals of the Manfred Lachs Space Law Moot Court as well as other sessions and events of the IAC 2009.

Furthermore, JAXA, through its Legal Affairs Division, has had a page on its website containing the international space treaties and domestic space laws, both in its original language and in Japanese as appropriate, since the end of 2008. We believe this expands the opportunities for students interested in the study of space law.

Finally, JAXA Legal Affairs Division of the General Affairs Department has begun accepting university and graduate students studying law for internships. The interns write reports and make presentations during their stay, based on themes related to international and/or domestic space law and gain experience assisting the work of JAXA. Opportunities such as interviews with people in JAXA related to the theme are provided as appropriate. The interns have usually been Japanese students, but in 2009 we accepted a French law student for three months who worked on the comparison of the French and Japanese space law system.

Thailand

[Original: English]

Given the importance of building capacity in space law, the Royal Thai Government accepted the invitation of the Office for Outer Space Affairs co-host the United Nations\Thailand Workshop on Space Law, scheduled to be held in Bangkok, Thailand, from 16 to 19 November 2010. The workshop will provide an overview of the United Nations treaties and principles on the peaceful uses of outer space and enhancement the dissemination of knowledge and understanding on international legal framework governing various space activities.

The workshop preparation process has been carried out with highest consideration by the Government of Thailand and in close co-operation with the Office.

Ukraine

[Original: Russian]

A number of higher educational establishments in Ukraine have, for over 10 years, offered the topic “International space law” as a special subject within the general study of public international law. The topic is taught to a high standard at the Institute of Air and Space Law attached to the National Aviation University in Kyiv. In September 2009, the Institute took part in the Ninth International Conference of Science and Technology, AVIA-2009. The conference, which was held in the Institute, considered the topics “Organizational and legal issues relating to State regulation of civilian aviation” and “International space law issues relating to the commercialization of space activities”. Under the latter topic, the participants considered current issues relating to intellectual property in the context of the commercialization of space activities, the special characteristics of State support for the commercialization of space technology and international law issues relating to such commercialization. Conclusions were drawn on the basis of these discussions and recommendations were drawn up on setting up educational establishments to teach international space law and the legal aspects of civilian aviation.

On the subject of measures to improve expertise in space law, mention should be made of the legal seminars on the legal regulation of space activities, which were held in Ukraine under the European Union Twinning Project entitled “Boosting Ukrainian space cooperation with the European Union”. Thus, in February 2009, the third seminar on legislation was held, on the topic of State regulation of space activities and national legislation on remote sensing of the Earth, the two previous seminars having been held in 2008. Participants in the seminar included experts from Germany and France and representatives of the National Space Agency, companies from the Ukrainian space industry and higher educational establishments in Kyiv. The topic discussed was the issue of State and legal regulation of remote sensing, particularly in connection with

the European programme Global Monitoring for Environment and Security (GMES). A detailed comparative analysis was conducted of the legislation of France, Germany and the United States in this field. The agenda of the seminar also included a discussion on the legal regulation of Ukrainian-European Union cooperation on implementing the GMES project and the possibility of working out a legal framework for the potential commercial use of Ukrainian remote sensing data.

In April 2009, the National Space Agency hosted the fourth seminar on space law, which considered the topics of export controls and intellectual property. Those participating in the seminar included, from the European side, experts from the French Centre National d'Études Spatiales and, from the Ukrainian side, specialists from the National Space Agency and officials of the State export control service and the International Institute of Space Law. The seminar discussed export control legislation in France, Europe, Ukraine and the United States, international non-proliferation regimes, and intellectual property law in Ukraine and France, with reference to the acquisition and use of intellectual property rights, among other issues.

A further international legal seminar was held at the National Space Agency under the auspices of the Twinning Project mentioned above in June-July 2009. The topic of discussion was the legal regulation of remote-sensing activities with the focus on comparative practice in Germany, France and Ukraine. The seminar carried out a detailed legal analysis of space legislation in Germany and France, particularly with regard to the collection, processing and dissemination of remote-sensing data. The agenda also included consideration of the draft UNIDROIT Protocol on Matters Specific to Space Assets, and specifically in the context of whether Ukraine should accede to the Protocol and the possibility that a joint position on the issue could be worked out by German, French and Ukrainian lawyers. It should also be noted that in connection with Ukraine's landmark achievement in launching its first telecommunications satellite, another area of discussion was the national, regional and international regulation of telecommunications space and radio-frequency resources.

The fourth Dneprovskaya orbita, a series of annual lectures organized by National Youth Aerospace Education Centre in Dnipropetrovsk to promote debate among scientists and experts on a range of problems relating to the humanitarian aspects of rocket science, took place from 10 to 12 September 2009. Over 56 applications were received from Dnipropetrovsk, Zhitomir, Kyiv, Kharkiv, Poltava, Donetsk, Simferopol, Moscow, Kaluga and Astrakhan. The lectures were on five scientific topics:

- History of aviation and rocket science;
- Aerospace education for the young;
- Environment and space;
- Philosophy and space;
- Economic, legal and social aspects of space studies.

Dneprovskaya orbita-2009 was remarkable in that the inclusion of the last of these topics was a new departure for scientific lecture programmes. It included

the legal regulations of modern space activities and questions of international space law in the twenty-first century; the economic aspects of space activity; the problems of financing major space projects; intellectual property and space activities; and other humanitarian aspects of space studies. A total of 29 papers were delivered and 56 participants and guests took part in the discussions.

In 2010, the Fourth World Congress “Aviation in the twenty-first century — Safety in aviation and space technology” and the Tenth International Conference of Young Scientists and Students “Flight-2010” will be held at the National Aviation University.

The aim of the Congress is to analyse global trends and the scientific community’s progress in developing practical, experimental and theoretical work to improve safety in aviation and space technologies. The symposiums planned for the Congress include one on international integration processes in the aerospace industry, with reference to such issues as State policy on aviation and space activities, the globalization of aerospace activities, the improvement of international law on safety and the social responsibility of international aerospace corporations. Another symposium, entitled “Air and space law: international and national safety issues”, will consider the question of the legal regulation of the global market for space services and technologies.

The Conference, too, will have a section devoted to air and space law. The programme of the 2009 Conference contained papers on the problems of the legal regulation of space activities, the prevention of space debris, insurance for space activities, a guide for astronauts on the legal status of members of piloted space missions, the interaction between international and national space law in regulating the global market for space services and technologies, the organizational and legal problems of creating a telecommunications satellite system in Ukraine and many others.

United Kingdom of Great Britain and Northern Ireland

[Original: English]

The Government of the United Kingdom is engaged in the provision of technical education and research, mainly through the Science and Technology Facilities Council (STFC), and various UK universities, including Surrey, Leicester and Cranfield. However, its role in space law capacity building is indirect, through general contributions to the European Space Agency (ESA). Although ESA does not fund any legal education in the UK, it makes contributions to the International Space University (ISU), and the European Centre for Space Law (ECSL). The ISU concentrates on technical rather than legal education, but does engage outside tutors to give a number of lectures on space law. The ECSL is a membership organization, to which ESA provides administrative support. ECSL runs occasional seminars and an annual two-

week Summer Course, usually based at a university or a space research facility. It should be noted that University College London (UCL) offered a space law course for some years, taught by the distinguished scholar, Professor Bin Cheng, and later by Sa'id Mosteshar. This was transferred to Queen Mary University of London, QMUL, and taught by David Sagar. The course ceased to be taught some years ago, and although Aberdeen University also ran a space law course, taught by Professor Francis Lyall for a number of years, this also came to an end on his retirement several years ago.

The London Institute of Space Policy and Law was established about two years ago, to provide education and training in space law and policy. It has organized and run several academic and practitioner seminars on legal and policy aspects of space activity, and will commence a Masters and Doctoral programme from October 2010. The degrees will be granted through London University, and the Institute of Advanced Legal Studies, and other colleges, such as QMUL, UCL and King's College. Further the London Institute of Space Policy and Law plans to design and run a fully accessible Web-site to include space law materials.
