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English only

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

Legal Subcommittee

Fiftieth session

28 March-8 April 2011

Item 9

Capacity-building in space law

Building capacity in space law: actions and initiatives

Note by the Secretariat

1. At its forty-ninth session, in 2010, the Subcommittee recommended that member States and permanent observers of the Committee on the Peaceful Uses of Outer Space inform the Subcommittee, at its fiftieth session, of any actions taken or planned on a national, regional or international level to build capacity in space law (A/AC.105/942, para. 117).
2. The present document contains replies received from Austria, Japan, Ukraine and the United Kingdom of Great Britain and Northern Ireland.



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, two courses are offered by Prof. Irmgard Marboe on a regular basis. The courses: “General Legal Framework of the Use of Outer Space Technologies” and “Special Legal Issues of the Use of Outer Space Technologies” are offered in the winter semester each academic year and are taught in English. Not only Austrian students, but also exchange students, mostly from Australia, show interest in attending these courses. Furthermore, a seminar is held regularly in the summer semester, which also includes a focus on space law.

At the University of Graz, courses on space law are offered on a regular basis. They are held by Prof. Christian Brunner together with Mag. Alexander Soucek. The University of Innsbruck organizes courses or seminars on space law on an irregular basis, sometimes in cooperation with the Institute of Astronomy.

Every year, Austrian students take part in the Summer Course on Space Law and Policy organised by the European Center for Space Law (ECSL). The National Point of Contact (NPOC) for Space Law in Austria selected the Austrian participants. In 2009 and in 2010, six and two Austrian students, respectively, participated.

From 11 July to 9 September 2011, the Space Studies Programme (SSP) of the International Space University (IUS) will take place in Graz. The programme contains also an important focus on space law.

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 the Pacific 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.

Financial support for travel costs has also been provided to a limited number of selected students to participate in the biennial International Symposium on

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 as well as the annual symposium, Space Studies Programme and Masters programme of the International Space University, which all deal with topics related to 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 2010, 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 2010.

Furthermore, JAXA, through its Legal Affairs Division, has had a page on its website (<http://stage.tksc.jaxa.jp/spacelaw/index.html>) 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 provided internships for university and graduate students studying law. 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.

Ukraine

[Original: Russian]

As in previous years, a crucial role in undertaking activities to strengthen the legal expertise of the Ukrainian space industry, as well as its research and technical capabilities, was played by the staff of the International Centre for Space Law attached to the V. M. Koretsky Institute of State and Law of the Ukrainian National Academy of Sciences. They joined forces with the National Space Agency of Ukraine, the Kyiv University of Tourism, Economics and Law, the International Society of Philosophy and Cosmology and other organizations to organize an international conference focusing on research and practice, entitled “Space travel: research, education, practice”, held on 2 December 2010 at the Kyiv University of Tourism, Economics and Law. The deputy director of the Centre, was Ms. Natalya Malysheva, member of the National Academy of Legal Sciences of Ukraine, addressed the conference on the topic “International legal principles in the development of space tourism”. Ms. Malysheva emphasized the significant role played by Ukrainian jurists in the formulation of space law, noting that it was in Ukraine, in the Institute of State and Law of the National Academy of Sciences of Ukraine, that the International Centre for Space Law had been established in 1988, with the function of legally regulating all questions relating to space research in the

territory of the Commonwealth of Independent States. She also underlined that space law in Ukraine is represented at the highest academic and professional standards. Ms. Malysheva set out legal definitions of such terms as “space tourism” and “astronaut”.

A chapter of Natalya Malysheva’s book “Ocherki po kosmicheskomu pravu” (Essays on space law), published in 2010, is devoted to the legal regulation of such new forms of space activity as space tourism. The chapter is divided into sections entitled “Persons participating in space flights”, “Space tourism — a new form of space activity”, “The international legal regime governing astronauts and its extension to space tourists”, “Space tourist flights: outer space law or airspace law?” and “Contractual relations between the operator and the consumer of space tourism services”.

The book also contains selected articles and other material by the author on space law questions published in various Ukrainian and foreign publications between 2001 and 2010. The contents are arranged in four sections:

1. Theoretical problems relating to the development of national and international space law (including articles entitled “Space law: future developments in the international and national legal contexts” and “Remote sensing of the Earth from space: international law and national controls”);

2. Questions concerning environmental law in relation to space activities (the articles “Legal safeguards for environmental safety in space activities” and “Environmental law is stronger than Earth’s gravity in the new millennium”);

3. Regional aspects of space policy and law (including the articles “Space activities and space law in the post-Soviet era” and “Regulating space activities in Ukraine”);

4. Developing education and science in their respective fields (the articles “The development of education in the area of space law: global and regional procedures” and “International Centre for Space Law attached to the V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine”).]

As stated in previous reports by the National Space Agency of Ukraine on improving expertise in space law, the Ukrainian National Youth Aerospace Education Centre, acting on behalf of the National Space Agency, put forward the idea of holding, as part of the National Space Programme, an annual series of scientific lectures, entitled “Dneprovskaya orbita” (“the Dnipro orbit”) with a view to promoting debate among scientists and experts on a range of problems relating to the humanitarian aspects of rocket science.

The fifth series of lectures, “Dneprovskaya orbita-2010”, took place from 16 to 18 September 2010 at the National Youth Aerospace Education Centre. Over 56 applications for participation 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 exploration

A total of 32 papers were delivered and 56 participants and guests took part in the discussions. Among the papers on the economic, legal and social aspects of space exploration were the following: “Legal aspects of present-day space activities and Ukrainian national security”, “Prerequisites for the establishment of an innovation cluster in the rocket science industry”, “Geopolitical and geostrategic factors in the development of global space activities” and “Prospects for globalized central planning controls for orbital objects”.

In April 2010, the Tenth International Conference of Young Scientists and Students “Flight-2010” was held at the National Aviation University. One of its segments dealt with airspace and outer space law. The Conference included papers entitled “Environmental and legal problems of space activities”, “Juridical relations in the area of research and exploitation of outer space at a time of the commercialization and privatization of space activities” and “Aspects of the legal regulation of space activities in the interests of sustainable development”.

Regarding measures to improve expertise in space law, mention should be made of the legal seminars on the legal regulation of space activities, held in Ukraine as part of the European Union Twinning Project entitled “Boosting Ukrainian space cooperation with the European Union”. Thus, on 3 and 4 February 2010, the concluding seminar under the Project concerned the question of international and national space law. The topics covered were the latest changes to the Treaty of Lisbon concerning the European Union’s new powers with regard to outer space and the institutional framework for cooperation between the European Space Agency and the European Union. Information was also provided on new French legislation on space activities, changes to European telecommunications legislation, the latest amendments to the Ukrainian Law on Space Activity and the outline draft law on remote sensing of the Earth. 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.

In addition, in connection with Ukraine’s landmark achievement in launching its first telecommunications satellite, a range of issues relating to the national, regional and international regulation of telecommunications space and radio-frequency resources were discussed.

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 three years ago, to provide education and training in space law and policy (www.space-institute.org). It has a comprehensive training programme of courses and post-graduate degrees.