

ECSL

European Centre for Space Law

Bulletin of the European Centre for Space Law

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A Word from the Chairman

It is my first time speaking as new ECSL Chairman, after the renewal of the Board last June. Firstly, I am glad and honoured to take the chair of ECSL, which has become a point of reference for the whole space community and a vital institution with important networking with national and international centres.

International space law has undergone a deep evolution since it developed until the eighties. Space activities and globalisation underlined a profoundly changed legal framework. Consequently, space law has known a process of hybridization, becoming more and more multidisciplinary. Currently, it is a body of rules belonging to different legal systems, which involves international and national law, both public and private, and European Union law.

In this changing environment, ECSL continues to give a substantial contribution to the awareness and diffusion of space law in Europe through its different initiatives, as joint workshops organised with the International Institute of Space Law (IISL) or the European Round of the Manfred Lachs Space Law Moot Court Competition and other regional initiatives. Some of them are open to non-European countries, as the joint Workshops with North African countries on remote sensing. New growing sectors are of special concern to ECSL; among them, the European space policy is gaining increasing importance.

The main aim of ECSL is to promote knowledge and interest in space law and support research and educational activities in Europe. Its initiatives are open to the various communities, law faculties, research institutes, scientists, company lawyers, practitioners, and students. These initiatives, such as the annual Summer Course on space law and policy, the practitioner's forum and the ECSL database, are essentially federative and contribute to the diffusion and improvement of space law teaching and researching. It is important to pursue and strengthen all these activities, consolidating and widening objectives and cooperation.

The successful results achieved by ECSL come from the wise action of Gabriel Lafferranderie, who directed the Centre since its setting-up. He retired from ESA but accepted – and we are honoured – to still provide his contribution in the ECSL work as Honorary President. I am sure to interpret the ECSL family's gratitude to him, primarily on behalf of the Board and all people practicing space law, for his strong commitment and fruitful results during the years of his Chairmanship. ECSL is projected onto the future in continuity with the far-sighted policy of the past.

Sergio Marchisio
ECSL Chairman

The ECSL Biennial General Assembly (term 2007-2009)

The Biennial General Assembly of the European Centre for Space Law took place on 29 June 2007, at the premises of the European Space Agency in Paris and held two sessions. It was an important meeting for several reasons. We would like to mention two of them:

First of all, Gabriel Lafferranderie, Chairman of ECSL since 1989, exposed his wish to leave the Chairmanship that he has laudably ran for many years. The General Assembly expressed its deep gratitude to Mr. Gabriel Lafferranderie;

Secondly, the General Assembly was informed about the results of the elections for the New Board for the term 2007-2009, as follows: Philippe Achilleas (France); Elisabeth Back Impallomeni (Italy); Christian Brünner (Austria), Frans G. von Der Dunk (the Netherlands); Juan Manuel de Faramiñan Gilbert (Spain); Stephan Hobe (Germany); Arnel Kerrest (France); Sergio Marchisio (Italy) and Jean-François Mayence (Belgium).

Apart from the elected Members, the new Board includes also René Oosterlinck, Director of Legal Affairs and External Relations, appointed ESA Representative to the ECSL Board by the ESA Director General, Jean-Jacques Dordain.

The General Assembly expressed its deep gratitude to Mr. Lyall, hoping that he would continue to participate actively to the ECSL activities.

The General Assembly also approved two amendments to the ECSL Charter, as proposed by the 49th ECSL Board (26 April 2007):

The first amendment introduces an Honorary President, adding a new paragraph 5 to Article 5 of the ECSL Charter: "The Board may confer on former chairmen the title of Honorary President of the Centre";

The second amendment allows the election of vice-chairmen, adding the following language to Article 5, paragraph 2, of the ECSL Charter: "The Board shall elect among its members its chairman and one or two vice-chairmen by a majority vote of all its members".

After that, the National Points of Contact (NPOCs) introduced their activity reports for 2005-2007. The following NPOCs presented their reports: Mr. C. Brunner (Austria); Mr. J.-F. Mayence (Belgium), Mr. R. Oosterlinck informed about the activities carried out within the Law Master Degree at the Gent University; Ms. M. Hoffman (Czech Republic); Mr. A. Kerrest and Mr. P. Achilleas (France); Mr. S. Hobe (Germany); Ms. V. Iavicoli (Italy); Mr. F. von der Dunk (The Netherlands); Ms. M. Munoz (Spain); Mr. T. Ballard and Ms. J. Wheeler (UK).

The afternoon session discussed several items including the ECSL relationship and partnership with industry; the Practitioner's Forum and the Manfred Lachs Space Law Moot Court Competition.

Before the conclusion of the meeting, Prof. Francis Lyall gave the following allocution in honor to Mr. Gabriel Lafferranderie:

Gabriel Lafferranderie

One bright morning long ago I got a strange phone-call from something that claimed to be the European Space Agency. I thought it was one of my colleagues playing a trick – we did play tricks on each other in those days: the new generation is much more sober. The conversation continued. There was to be a meeting in Paris to discuss setting up a society or an association or something to try to foster space law in Europe. Would I be interested in attending? Then for a Scot there came the difficulty – no expenses. But the idea of a trip to Paris easily overrode that problem.

I do not know who suggested I might possibly be interested – I think it was Michel Bourelly – but I am grateful to whoever it was. I came. Not having been in Paris since 1951, I charged round the Eiffel Tower, the Louvre, the Musée d'Orsay. It was probably going to be a one-off trip and I wanted to make the most of it. Then came the meeting. At that time, I had not met Gabriel Lafferranderie, but he was impressive. He was enthusiastic

and compelling – not everyone is both. Space Law in Europe needed an impetus. There were the Institutes in Leiden and in Cologne, but nothing was regularly bringing together all those in Europe interested in space law. Where might academics and practitioners come together and learn from each other? Where could the ideas in one country meet those from another? Journal articles or formal intergovernmental meetings where positions were dictated by state interests do not do that. Face to face discussions do. What could be done? A network, based on individual ESA member states, could help. How would it work? National points of contact in each ESA member could bring together space lawyers from the ivory towers and from the realms of real life.

It would work without imposing a uniform pattern on the NPOC, but each could adopt its own form. We would have workshops, arranged either by individual NPOCs, or by the Centre. The Centre would be a Board representative of the different strands of interests. Gabriel's enthusiasm was infectious. With the support of Prof. Lust, then Director General of ESA, he convinced ESA that this was a significant endeavour – one worth supporting financially as well as in words. ECSL began and prospered, and though I am speaking today of Gabriel, it would be wrong not to acknowledge here the work of successive Secretaries who have done so much for smooth running of the various ECSL enterprises.

We began. Soon, nudged by Professor Faraminan in the direction of EU funding which was then available for intensive short courses, the big step was taken of the annual Courses on Space Law and Policy. These Courses depend on those who lecture at them – and year on year Gabriel rounded up an impressive stable. They have benefited many students from many countries, drawing them further into the subject. Many whose legal career has not been in space have come to understand and appreciate the subject. That helps change general attitudes. I still meet former students who remember not



Mr. P. Achilleas



Ms. E. Back Impallomeni



Mr. C. Br, nner



Mr. J.M. de Faraminan
Gilbert



Mr. S. Hobe.



Mr. A. Kerrest,
ECSL Vice Chairman



Mr. S. Marchisio,
ECSL Chairman



Mr. J.F. Mayence



Mr. R. Oosterlinck



Mr. F. von der Dunk

only the social side – that Ceilidh/dance on a hot August evening in Aberdeen – but even recall some of the content of the courses. And many attendees have gone on into practical Space Law.

There have been the various Practitioners’ Forums, a very useful element of ECSL work. Bringing together those who ‘do’ and those who ‘teach’ has been significant. I would not fail to acknowledge the work of Karl Böksteigel and now Frans van der Dunk in the success of the Forums, but would point out that they are meetings that take place in the ECSL context. We have also been involved with UNISPACE III, with UNESCO, with COPUOS and the workshops, and with the Lachs Moot Court. There is the cooperation with North Africa and with South America. It has not been easy. I think Gabriel more than once found running ECSL frustrating. That was to be expected given its membership. It must have been like herding cats. And he may wonder how much has in fact been achieved despite all these efforts.

Gabriel, I know you are interested in the American Indians, so let me adapt the story of the Lighthouse told by W.L. Prosser of ‘Prosser on Torts’. Once upon a time, a professor was walking in a park

beside the Pacific. It was a pleasant day, but, as often happens over there, the west was filling with mist. An Indian was sitting on a bench and the Professor sat down beside him to have a rest. As they sat companionably, the fog came closer. So the Lighthouse on the cliff behind them started up. The siren hooted mournfully, and the bell began.

The Indian turned to the professor and shook his head. ‘Lighthouse, him no good.’ he said solemnly. ‘Lighthouse, him no good.’ The professor was puzzled. The Indian explained. ‘Lighthouse, him no good. Lighthouse light go flash-flash-flash. Lighthouse horn go wooo-wooo. Lighthouse gong go clang-clang-clang. Fog come in just the same.’

Of course, Prosser was writing about the teaching of law. Those who lecture, who take tutorials and give seminars will recognise his meaning. In private practice, clients often arrive with their own fog. But teaching is something that ECSL has done both directly and indirectly. Prosser’s final point is that though the fog comes in with every succeeding intake, the Lighthouse is not only useful. It is necessary. And it is valued by those who it guides.

To push the metaphor further, Gabriel, you have warned us of many shoals and rocks, and you have provided guidance to the good ship ‘ECSL’. Many have sailed with her, and have benefited immensely. Of course, all this about the ECSL says nothing about the high quality of your own writing. But here, today, we are the ECSL. Much has been achieved. Space Law in Europe would not be the same without us. We would not be here without you. We thank you for having had the idea of ECSL, for your work with it, and for all your leadership and help.

Immediately after the conclusion of the General Assembly, the 52st ECSL Board was held and unanimously conferred the title of Honorary President of ECSL to Gabriel Lafferranderie as founder of ECSL, Chairman of it since long years and for the outstanding achievements realized under his guidance.

After that, the Board elected unanimously Prof. Sergio Marchisio as ECSL Chairman and Prof. Armel Kerrest as vice-chairman for the term 2007-2009.

Gabriel Lafferranderie, a pioneer in Space Law



Talking about Gabriel Lafferranderie involves automatically linking his name to the development of International Law of the Outer Space. He has more than any one else battled and worked for the progressive development of this discipline, in itself a branch of International Law.

I met Gabriel one morning, in his office at the European Space Agency when he was Head of the Legal Office and since the first moment, we connected in our legal vocation for space issues. I had gone to visit him both because I knew his great work on the matter and I wanted to meet him personally and because I wanted to explore new research fields to which to commit.

We talked for a long time and he expressed his intention to launch a Centre inside ESA to approach the sound study of issues related to Space Law. Soon after that, he invited me to a General Assembly presided by the Chief Executive of ESA, in which the future European Centre for Space Law was constituted and started running.

In 1988, after having obtained support from the Member States Delegations, the ESA Executive, lead by its legal advisor, Mr. Lafferranderie, contacted the various communities likely to be interested and the response was enthusiastic. ESA therefore convened a meeting in October that year to set up the project in broad terms and conduct preliminary exchanges

of views. The Agency was encouraged by the participants at the meeting to take matters further and representatives from the various communities and regions were invited to join a preparatory group.

On 12 May 1989, less than year after the preparatory group had started its work, a further meeting was held at the Headquarters of the European Space Agency to lay the foundations of the European Centre of Space Law. This meeting, which saw the inauguration of the Centre, adopted the ECSL Charter and elected the Centre's first Board.

The following goals were adopted in the Charter of the new body:

- a) to promote knowledge of the law relating to space activities;
- b) to encourage interdisciplinary exchanges between lawyers, engineers, economists and scientists;
- c) to encourage university research in certain topics related to space law ;
- d) to provide for exchange of information and ideas through the Organisation of colloquia and by the dissemination of information.

That way, the ECSL, under the presidency of Lafferranderie, undertook a great amount of activities with an important impact in society and among the scientific community, such as:

- The Summer Course in Space Law and Policy (two-week intensive programme where law students discover or strengthen their knowledge in space law);
- The Manfred Lachs Space Law Moot Court Competition (organised annually by the International Institute of Space Law);
- The Practitioners Forum (from 1993, ECSL decided to set a one-day informal meeting where participants with actuality could share their experiences with their colleagues and professionals of space law with the aim to keep lawyers in different sectors updated with the latest developments).

Also, and with the purpose of diffuse the activities developed, the ECSL published

the Proceedings of the Summer Courses and the Newsletters with interesting articles on Space Law.

In order for ECSL to develop its activities in an efficient fashion all over Europe, it was rapidly felt that relays at national level were needed. The national relays are known under the name of National Points of Contact (NPOC) and their primary purpose is to stimulate the activities of the ECSL community. They are free to choose their own form of organisation and to define their activities within the general framework of ECSL's goals and objectives, as stated in the Charter. In 1990, the Board of ECSL adopted the principles as a basic framework for NPOC and the General Meeting of June 1993 adopted a Resolution whereby the NPOC were formally introduced in the ECSL Charter as an integral part of the structure of the Centre.

In a latter board meeting in 1991, Gabriel suggested the idea of opening a NPOC in Spain. I then contacted the Ambassador Juan María López Aguilar, with whom the decision was taken, on 6 April 1992, for the launch of the model with the aim of developing knowledge at the academic, industrial and professional levels and the update of the issues related to Space Law.

On the verge of Gabriel's retirement, at the latest ECSL General Assembly, the new president, Mr Sergio Marchisio proposed the appointment of Dr Lafferranderie as Honorary President of ECSL, which fills us with happiness as it means he will not be leaving us.

During these eighteen years, I have kept a permanent contact with Gabriel Lafferranderie and I must admit that I have learnt much, very much, on Space Law. I would always be grateful to him for that. Even on his retirement, those of us who know him well, know he would never stop working for Space Law, because the pioneers have in their genes the will of never abandoning what they started.

Juan Manuel de Faramiñán Gilbert
ECSL (ESA) Board Member

Tanja Masson-Zwaan, The new President of the International Institute of Space Law



Tanja Masson-Zwaan became President of the International Institute of Space Law (IISL) on January 1st, 2008. She is involved in the ECSL activities, especially in the IISL/ECSL Symposiums and in the Manfred Lachs Space Law Moot Court Competition. According to an interview that can be found on the International Astronautical Federation's website, she would like "to further enhance the Manfred Lachs Space Law Moot Court Competition, by increasing the participation in Europe and by adding new regions such as Latin America or Africa".

She adds that "it is absolutely essential to involve the new generation of space lawyers in our work, and the competition is an excellent way for students to discover this exciting field of law."

Congratulations Tanja on your new position!

Melanie Vincent,
Executive Secretary
European Centre for Space Law

The Space Clauses of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, OJEU, 2007/C 306/01

ARTICLE 2 C

3. In the areas of research, technological development and space, the Union shall have competence to carry out activities, in particular to define and implement programmes; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs.

RESEARCH AND TECHNOLOGICAL DEVELOPMENT

135 The words 'AND SPACE' shall be added to the heading of Title XVIII.

142) The following new Article 172a shall be inserted:

"ARTICLE 172a

1. To promote scientific and technical progress, industrial competitiveness and the implementation of its policies, the Union shall draw up a European space policy. To this end, it may promote joint initiatives, support research and technological development and coordinate the efforts needed for the exploration and exploitation of space.
2. To contribute to attaining the objectives referred to in paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the necessary measures, which may take the form of a European space programme, excluding any harmonisation of the laws and regulations of the Member States.
3. The Union shall establish any appropriate relations with the European Space Agency.
4. This Article shall be without prejudice to the other provisions of this Title".

IISL/ECSL Symposium on "Capacity building in space law" (COPUOS Legal subcommittee meeting 2007, 26 and 27 March)

During the 2006 session of the Legal Subcommittee a proposal was made by the chairman Ambassador Raimundo González Aninat to invite IISL and ECSL to organize a one-day symposium during the forty-sixth session of the Subcommittee that would include presentations by national and international space law institutions with emphasis on their capacity-building activities. This event, coordinated by Tanja Masson-Zwaan (IISL) in cooperation with Gabriel Lafferranderie (ECSL), took place on 26 and 27 March 2007. It was of great interest.

The first session on teaching and education was chaired by Ambassador Peter Jankowitsch

Dr Lafferranderie, in his paper on *general introduction to and overview of space law teaching and education*, first presented the emergence of space law. He recalled the study conducted by IISL under the direction of Pr. Eugene Pepin for the United Nations in 1965 on space law teaching, the work of the Cologne Institute headed by Professors Meyer, Böckstiegel and Hobe and of the McGill University of air and space law. He indicated various initiatives such as the Manfred Lachs moot court competition set by IISL and the creation of the European Centre for space law with its summer course, practitioner forum, publication of a booklet on space law teaching in Europe and other activities.

Pr. Armel Kerrest tried to focalise on some definitions and to precise the place of Space Law as a part of law as a whole and as International Law in particular. He insisted on the very wide and pluridisciplinary extend to Law applicable to outer space activities and to activities in outer space.

Pr. Sergio Marchisio presented Space law as a branch of International Law as the starting point. He indicated its progress of hybridization from international space law to multidisciplinary space law. He then presented the federative initiatives needed to spread the knowledge and teaching of space law. He presented the most successful activity of ECSL: the annual summer course on space law and policy.

Pr. José Monserrat Filho from the Brazilian

Association of Air and Space Law made a presentation on the needs of teaching institutions in the Latin American and Caribbean region; specific features and initiatives. He indicated the space Law is not new in the Latin American and Caribbean region but has to be better known by students and practitioners. He presented the work of Argentinean National Institute of Air and Space Law and the work of Pr. Maureen Williams of the Brazilian Association of Air and Space Law and the 2004 Buenos Aires Declaration on Space Law Cooperation. He finally suggests the creation on a regular basis of a two week course on the model of the ECSL summer course.

Pr. Nataliya Malysheva of the International Centre for Space Law (Kiev) presented space law teaching activities in the Central and East European countries. She highlighted the difficulties caused by the concentration of space lawyers in Moscow even if many former Soviet Union States conduct space activities. This was the reason of the creation in Kiev of the International Centre for Space Law between these States especially Russia and the Ukraine.

Mr. Francesco Giobbe, general counsel, EADS Astrium presented the view of the industry. He indicated the place of lawyer in the companies and the need of special knowledge of Space Law which is important for the industry. He stressed the need to study the legal framework of new uses of outer space.

The second session on Training and Capacity Building was chaired by Pr. Vladimir Kopal.

Pr. Joanne Gabrynowicz presented the UN OOSA Workshops on Space Law capacity building. She insisted on the fact that these important events were the effect of the Vienna declaration on space and human development adopted by UNISPACE III conference in 1999. (The Hague Netherland in 2002, Daejeon Republic of Korea in 2003, Rio de Janeiro Brazil in 2004, Abuja Nigeria in 2005, Kyiv Ukraine in 2006.) She highlighted the importance of Space Law principles to be better known and implemented by every States.

Pr Stephan Hobe spoke on: "training and capacity building: networking and federative

initiatives". Referring to an article by Gabriel Lafferranderie published in the German Journal of Air and Space Law, he insisted on the challenge to make Space Law known in order to be useful. He referred to ECSL Practitioners' forum, to IISL regional conferences, ILA Space Law Committee and to perspectives and priorities.

Dr. B. Vadudevan, counsellor, space, Embassy of India in France, reported on the *status of the Centre for Space Science and technology education in Asia Pacific and capacity building efforts in space law in India*. He presented the Centre, its work and its cooperation activities. He then turned to the activities of India through ISRO in the field of space law and to the way to develop them.

Dr. Riffi Tamsamani Saïd from the Royal Centre for Remote Sensing, Morocco presented the *Initiatives in the North African region*. He indicated the various and international institutions involved in space law teaching and promoting in the region; on the national level in Morocco, Mauritania, Algeria, Tunisia, Libya, Egypt, and Sudan; at the international level the African Organisation for Cartography and Remote Sensing created in 1988 in Alger. The North African States Regional Centre for Remote Sensing created in 1990 in Tunis and the Regional Centre for Space Science and Technology (CRASTE). He concluded hoping further development and assistance by the UN or specialised agencies.

Ambassador Ciro Arevalo Yepes, embassy and permanent Mission of Colombia (Vienna) presented the Initiatives in the Latin American region.

These presentations can be found on the OOSA Web site at:
<http://www.unoosa.org/oosa/COPUOS/Legal/2007/symposium.html>

Armel Kerrest,
University of West Brittany, France

16th ECSL Summer Course on Space Law and Policy September 3-15, 2007, Noordwijk, the Netherlands



Melanie Vincent, Executive Secretary of ECSL

As last year, the 16th ECSL Summer Course on Space Law and Space Policy took place at ESA/ESTEC facilities (Erasmus Building), Noordwijk, the Netherlands, from 3 to 15 September, 2007. There were 70 participants from 18 countries: France, Turkey, Germany, Greece, Italy, Poland, Canada, Austria, the Netherlands, Nigeria, Spain, United Kingdom, Czech Republic, Luxembourg, Algeria, Portugal, Romania and Belgium.

In addition, 42 students of 15 different nationalities and 4 tutors (Ms. Isabelle Arnold, Ms. Leda Ferrari, Mr. Miguel Vieira and Mr. Paul Ferguson) guided the students in their personal and teamwork during this two-week intense event.

Acclaimed teachers, highly qualified professionals, from international and national space organizations, and experts from the space industry, from ESA, as well as from several European universities, the UN OOSA, Eutelsat, SES Astra, the Institute of Air and space Law, the European Space



policy Institute and EADS, gave lectures on space law and space policy issues on subjects such as the International Space Station, Space debris, Galileo and public and private partnership in Space activities.

The speakers presented their reports in a dynamic open-ended approach, which encouraged exchange of views between them and the students.

Alongside this very busy schedule of lectures, the students, divided into 8 teams, were required to solve a practical case: "the use of space and space



applications to support entertainment: simulation of an International Call for Tenders”, with Prof. P. Achilleas, IDEST, Paris XI University as coordinator. The case then had to be discussed in front of a panel of space experts among whom were Mr. P. Clerc, Mr. A. Kerrest, and Mr. M. Bourbonnière.

This exercise, split into two parts (a written report and an oral presentation), gave the students the opportunity to test their communication and analytical skills and to put into practice the knowledge acquired at University and during the different modules.

The team members explained and defended their projects and successfully answered to legal questions, proving that they had understood the lectures. A special mention for best answers was made by the jury to Maria-Laura Voda, Laurens Mol, Irene Ekweozoh and Beatrice Weihert.

The ECSL would like to thank all of those who contributed to the success of the event.

Melanie Vincent
*Executive Secretary of the
European Centre for Space Law*

In Memory of Paul Ferguson

Paul Ferguson was passionate about law.

Many readers of this ECSL Bulletin will know Paul as a student at the summer course in 2004 and as a tutor at last year's summer course.

The UK NPOC put him forward to attend the ECSL summer course in Graz in 2004. He valued the experience, especially the chance to study a fascinating subject with students from all round Europe.

He was so enthusiastic about his experience at the 2004 ECSL summer course that we also put him forward to be a tutor for the summer course in 2007 in ESTEC. He rose to the challenge of being a tutor and was an able leader of his teams. In his own words he “made the most” of the opportunity.



Not only did he enjoy his two weeks as a tutor but he encouraged the students to enjoy an active party life!

Paul died suddenly in tragic circumstances in March 2008, aged 27.

What he should be remembered for in the context of the ECSL is his appreciation of the value of studying space law to a high level with keen minds from around Europe, and enjoying every aspect of this experience: the study; the social aspects; the experiences gained; and the friends made. None of these should be underestimated.

I have fond memories of Paul and his approachable manner and the enthusiasm he showed for these experiences. I am sure I speak for all ECSL members when I say that my thoughts are with his family at this time.

Joanne Wheeler
Secretary of the UK NPOC

Resolution Adopted by the General Assembly of the United Nations on the Registration of Space Objects, 17 December 2007

The General Assembly of the United Nations approved the Resolution n° A/RES/62/101: Recommendations on enhancing the practice of States and international intergovernmental organizations in registering space objects, which is the result of a three-year-work of the COPUOS Subcommittee. The PDF file of the resolution is available for download at: www.un.org/ga/62/resolutions.shtml

Melanie Vincent, *Executive Secretary of the European Centre for Space Law*

United Nations
General Assembly
Sixty-second session
Agenda item 31
A/RES/62/101
Divr.: General
10 January 2008

Resolution adopted by the General Assembly
[on the report of the Special Political and Decolonization Committee (Fourth Committee) (A/62/403)]

62/101. Recommendations on enhancing the practice of States and international intergovernmental organizations in registering space objects

The General Assembly,

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies¹ (Outer Space Treaty), in particular articles VIII and XI,

Recalling also the Convention on Registration of Objects Launched into Outer Space,²

Recalling further its resolution 1721 B (XVI) of 20 December 1961,

Recalling its resolution 41/66 of 3 December 1986,

Taking note of the relevant parts of the report of the Committee on the Peaceful Uses of Outer Space on its fiftieth session³ and the report of the Legal Subcommittee on its forty-sixth session, in particular the conclusions of the Working Group on the Practice of States and International Organizations of Registering Space Objects, annexed to the report of the Legal Subcommittee,⁴

Noting that nothing in the conclusions of the Working Group or in the present resolution constitutes an authoritative interpretation of or a proposed amendment to the Registration Convention,

Bearing in mind the benefits for States of becoming parties to the Registration Convention and that, by acceding to, implementing and observing the provisions of the Registration Convention, States:

(a) Enhance the utility of the Register of Objects Launched into Outer Space established under article III of the Registration Convention, in which information

¹ United Nations, Treaty Series, vol. 610, No. 8843.
² Ibid., vol. 1023, No. 15020.
³ Official Records of the General Assembly, Sixty-second Session, Supplement No. 20 (A/62/20), para. 208-215.
⁴ See A/AC.105/801, annex III, appendix.

(b) Benefit from additional means and procedures that assist in the identification of space objects, including, in particular, in accordance with article VI of the Registration Convention,

Noting that States parties to the Registration Convention and international intergovernmental organizations conducting space activities, having declared their acceptance of the rights and obligations under the Convention, shall furnish information to the Secretary-General in accordance with the Convention and shall establish an appropriate registry and inform the Secretary-General of the establishment of such a registry in accordance with the Convention,

Considering that universal accession to and acceptance, implementation and observance of the provisions of the Registration Convention:

(a) Lead to increased establishment of appropriate registries;

(b) Contribute to the development of procedures and mechanisms for the maintenance of appropriate registries and the provision of information to the Register of Objects Launched into Outer Space;

(c) Contribute to common procedures, at the national and international levels, for registering space objects with the Register;

(d) Contribute to uniformity with regard to the information to be furnished and recorded in the Register concerning space objects listed in the appropriate registries;

(e) Contribute to the receipt of and recording in the Register of additional information concerning space objects on the appropriate registries and information on objects that are no longer in Earth orbit,

Noting that changes in space activities since the Registration Convention entered into force include the continuous development of new technologies, an increase in the number of States carrying out space activities, an increase in international cooperation in the peaceful uses of outer space and an increase in activities carried out by non-governmental entities, as well as partnerships formed by non-governmental entities from more than one country,

Desirous of achieving the most complete registration of space objects,

Desirous also of enhancing adherence to the Registration Convention,

1. Recommends, with regard to adherence to the Registration Convention,²

(a) States that have not yet ratified or acceded to the Registration Convention should become parties to it in accordance with their domestic law and until they become parties, furnish information in accordance with General Assembly resolution 1721 B (XVI);

(b) International intergovernmental organizations conducting space activities that have not yet declared their acceptance of the rights and obligations under the Registration Convention should do so in accordance with article VII of the Convention;

State responsible for the operation of the space object under article VI of the Outer Space Treaty;¹

(d) States should encourage launch service providers under their jurisdiction to advise the owner and/or operator of the space object to address the appropriate States on the registration of that space object;

4. Recommends that, following the change in supervision of a space object in orbit:

(a) The State of registry, in cooperation with the appropriate State according to article VI of the Outer Space Treaty, could furnish to the Secretary-General additional information, such as:

(i) The date of change in supervision;

(ii) The identification of the new owner or operator;

(iii) Any change of orbital position;

(iv) Any change of function of the space object;

(b) If there is no State of registry, the appropriate State according to article VI of the Outer Space Treaty could furnish the above information to the Secretary-General;

5. Requests the Office for Outer Space Affairs:

(a) To make available to all States and international intergovernmental organizations a model registration form reflecting the information to be provided to the Office for Outer Space Affairs, to assist them in their submission of registration information;

(b) To make public, through its website, the contact details of the focal points;

(c) To establish web links on its website to the appropriate registries that are available on the Internet;

6. Recommends that States and international intergovernmental organizations should report to the Office for Outer Space Affairs on new developments relating to their practice in registering space objects,

75th plenary meeting
17 December 2007

2. Also recommends, with regard to the harmonization of practices, that:

(a) Consideration should be given to achieving uniformity in the type of information to be provided to the Secretary-General on the registration of space objects, and such information could include, inter alia:

(i) The Committee on Space Research international designator, where appropriate;

(ii) Coordinated Universal Time as the time reference for the date of launch;

(iii) Kilometres, minutes and degrees as the standard units for basic orbital parameters;

(iv) Any useful information relating to the function of the space object in addition to the general function requested by the Registration Convention;

(b) Consideration should be given to the furnishing of additional appropriate information to the Secretary-General on the following areas:

(i) The geostationary orbit location, where appropriate;

(ii) Any change of status in operations (inter alia, when a space object is no longer functional);

(iii) The approximate date of decay or re-entry, if States are capable of verifying that information;

(iv) The date and physical conditions of moving a space object to a disposal orbit;

(v) Web links to official information on space objects;

(c) States conducting space activities and international intergovernmental organizations that have declared their acceptance of the rights and obligations under the Registration Convention should, when they have designated focal points for their appropriate registries, provide the Office for Outer Space Affairs of the Secretariat with the contact details of those focal points;

3. Further recommends, in order to achieve the most complete registration of space objects, that:

(a) Due to the complexity of the responsibility structure in international intergovernmental organizations conducting space activities, a solution should be sought in cases where an international intergovernmental organization conducting space activities has not yet declared its acceptance of the rights and obligations provided for in the Registration Convention, and a general backup solution should be provided for registration by international intergovernmental organizations conducting space activities in cases where there is no consensus on registration among the States members of such organizations;

(b) The State from whose territory or facility a space object has been launched should, in the absence of prior agreement, contact States or international intergovernmental organizations that could qualify as "launching States" to jointly determine which State or entity should register the space object;

(c) In cases of joint launches of space objects, each space object should be registered separately and, without prejudice to the rights and obligations of States, space objects should be included, in accordance with international law, including the relevant United Nations treaties on outer space, in the appropriate registry of the

The Resolution on the European Space Policy

European space strategy during the next years is outlined in the “Resolution on the European Space Policy”, adopted by the 4th Space Council – a joint meeting of the Competitiveness Council of the European Union and the Ministerial Council of the European Space Agency – on May 22nd, 2007 (Doc. 10037/07).

It deals with a comprehensive project concerning the space sector which has to be started in 2008 and is intended to equip Europe with more efficient and coordinated instruments to answer the challenges of the next years. The Resolution consolidates the links between the European Union and ESA in a growing and close relationship, established on the basis of the Framework Agreement, which entered into force in 2004.

The “Resolution on the European Space Policy” provides, for the first time, a joint political vision and orientation for the space with the aim of strengthening the role of Europe as a global player. This strategy thus implies that space policy has to support European external relations, security and defence, has to preserve autonomous access to space and improve the synergy between defence and civil space programmes. At the same time, the European Space Policy has to support all

EU policies including transport, environment, agriculture, fisheries, research through better coordination of all activity and space programmes between the EU, ESA and Member States, to maximize investment and avoid duplication.

Such a strategy enters the institutional development of the Union, according the s.c. “Lisbon Treaty”. The Intergovernmental Conference of Lisbon was in fact charged by the European Council to include in the new Treaty amending the Treaty on the European Union and the Treaty establishing the European Community (Treaty on the Functioning of the EU-TFEU) an article on European space policy. A rewriting of art. 13.3 of the Constitutional Treaty – currently superseded-, provides, now as art. 2C.3, that “In the areas of research, technological development and space, the Union has competence to carry out activities, in particular to define and implement programmes; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs”.

Thus the space sector does not fit into the categories of shared competence between the Union and the Member States listed in

Art. 2C but the TFEU considers it as competence of support or complementary action by the Union. This enables the Union to exercise its competence in defining and implementing the European space programmes without preventing Member States following their own policies.

Moreover, a new article (172a) of the TFEU defines European space policy as a tool to promote scientific and technical progress, industrial competitiveness and implement its policies. To this end, the European Parliament and the Council shall provide, in accordance with the new procedure of the TFEU, to take all the “necessary measures which may take form of a European space programme” and establish appropriate relation with ESA. However, measures of support rule out any action of harmonisation of the laws and rules of the Member States.

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ESA BR-269 - RESOLUTION ON THE EUROPEAN SPACE POLICY is available for download at:
<http://www.esa.int/esapub/br/br269/br269.pdf>

L’Institut du Droit de l’Espace et des Télécommunications (IDEST) takes up the Student Aerospace Challenge and wins the ESA Prize! (Translated from French)

The Student Aerospace Challenge is a multi-prize competition open to all students. It was set up by astronaut Jean-Pierre Haigneré in partnership with the Astronaute Club Européen (ACE), Safran, Thales, Dassault, Groupement des Industries Françaises Aéronautiques et Spatiales (GIFAS) and the International Astronautical Federation (IAF). The aim is to promote research & development related to suborbital flight for space tourism. The contestants had to form a team and study any one of the following work packages: primary propulsion, secondary propulsion, avionics, flight simulation, maintenance, legal aspects, communication, design, financial



engineering. The IDEST team from Université Paris-Sud XI opted to address the legal aspects, submitting its report in May 2007. This covered a range of issues including certification, classification and the applicable law, export control, the regulatory framework for launch and atmospheric re-entry, liability, insurance and the environment. Entries were received from contestants from such prestigious establishments as the HEC School of Management, the aerospace engineering Grande Ecole SupAéro and the French Air Force. The only university entrant among the 19 teams taking part, the IDEST team was awarded the European Space Agency Prize for its entry at a special ceremony for the prize-winners held at the Paris Air Show, Le Bourget, on 22 May 2007.

Sabine Akbar,
Former student, masters degree in law of
space activities and electronic
communications



Spanish Seminar on Outer Space and Sea Law

The Research Group “International Studies”, steered by Dr. Juan Manuel de Faramiñán Gilbert, Professor of Public International Law and member of the European Centre for Space Law Board, organized a “Seminar on Outer Space and Sea Law” at the University of Jaén (Spain), on 7 December 2007. The participants were the members of a research project on the “Comparative Study of the Outer Space and Sea Law”, financed by the Spanish Ministry of Education and Science (SEJ2004/06116): Prof. Dr. Faramiñán Gilbert, Prof. Dr. Armel Kerrest, from the University of Brest (France), Prof. Dr. Philippe Achilleas, from the Institute of Space and Telecommunications Law of the University of Paris-11th (France), Prof. Dr. Ma^a del Carmen Muñoz Rodríguez, from the University of Jaén, Prof. Dr. Victor L.



Gutiérrez Castillo, from the University of Jaén and Ms. Rocío Caparrós del Moral, from the International Astronautical Federation (France).

Their interesting final contributions will be published firstly in a CD, and, after, in a collective book. It will be introduced by a foreword from the Spanish Ambassador Mr. José Manuel Laclea, former President of the Spanish Centre of Space Law, and concluded by an epilogue from Prof. Dr. Sergio Marchisio, Professor of International Law in the University of La Sapienza and Chairman of the European Centre for Space Law.

Prof. Dr. Ma^a del Carmen Muñoz Rodríguez
University of Jaén

2008 Calendar of Major Upcoming Events

For regular updates, check the ECSL website: www.esa.int/SPECIALS/ECSL

16-18 April 2008: Manfred Lachs Space Law Moot Court Competition – European Regional Rounds, Riga, Latvia

26 March - 5 April 2008, Vienna, Austria: IISL/ECSL Symposium at the 47th Session of the Legal Subcommittee “Legal Implications of Space Applications for Global Climate Change”

29 March 2008, Paris: IISL Board Meeting

June 2008: 53rd ECSL Board Meeting

1-12 September 2008: 17th ECSL Summer Course on Space Law and Policy – Genoa, Italy

29 September – 3 October:

- 59th International Astronautical Congress (IAC 2008)– Glasgow, Scotland;
- 17th World Finals of the Manfred Lachs Space Law Moot Court Competition, Glasgow, Scotland.

December 2008: ECSL Practitioner’s Forum.

A simple e-mail to keep us informed!

Dear ECSL Members, we kindly ask you to promptly send us an e-mail (melanievincent@esa.int) whenever you change your address or contact details.

In this way, you will help us to keep the ECSL database always updated, avoiding envelopes to be returned to us and therefore, reducing our expenditures.

Thank you!

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