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
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/ECSL/).

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 (micrometeoroids/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 news-letter which is issued three times a year. The Spanish NPOC is digitising 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 UNOOGA 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 conferen-ces. 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.
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

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

10:30    The NPOCs
          Presentation of each NPOC and of their
          activities, in particular on:
          • 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

14:30-15:30    Presentation of new services and activities
                and improving existing products:
                • ECSL Legal Database (presentation,
                  questions and answers);
                • ECSL initiatives: In Orbit Over Space Law &
                  Space Law Teaching in Europe;
                • 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.).

15:30-15:45    Coffee break

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.

List of Available Documents:
• ECSL Charter as amended in 2001
• List of NPOCs (contact details)
• NPOC reports (if sent in advance)
• ECSL Newsletter, #28
• In Orbit Over Space Law
• Space Law Teaching in Europe (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

Annex II - Participants

Austria
Prof. Christian Brünner
(Board Member/NPOC)
Ms. Andrea Kleinsasser (NPOC)

Belgium
Mr. Walter Thiebaut (representing
Prof. Jan Wouters, NPOC)

Finland
Prof. Maurice Andem (NPOC)

France
Prof. Armel Kerrest
(Board Member/NPOC)
Mr. Philippe Achilleas (NPOC)

Germany
Dr. Jurgen Cloppenburg
(representing Prof. Stephan Hobe,
Board Member/NPOC)

Italy
Prof. Sergio Marchisio,
ECSL Vice Chairman
(Board Member/NPOC)
Dr. Viviana Iavicoli (NPOC)
Dr. Ornella Ferrajolo (NPOC)

Spain
Prof. Juan Manuel de Faramiñan
(Board Member/NPOC)
Mr. José Luis San Pio (NPOC)

United Kingdom
Mr. D. Sagar (Board Member)
Prof. F. Lyall (Board Member)

ECSL
Mr. G. Lafferranderie,
ECSL Chairman
Mr. Alberto Marchini,
ECSL Executive Secretary
Ms. Rocio Caparros, ECSL YGT

Excused:
Prof Dr. Frans von der Dunk (NL)
Mr. Pedro Rosa (P)
Mr. Frédéric Meyer (CH)
Further information on the ECSL NPOCs is available on the ECSL website: www.esa.int/SPECIALS/ECSL/

Austria
Prof. Christian BRÜNNER
University of Graz
Institute for Austrian, European and Comparative Public Law, Political Sciences and Public Administration
Universitätsstrasse 15 C/3
A-8010 Graz, Austria
Tel: +43/(0)316/380-3388 or 3367
Fax: +43/(0)316/380-9450
E-mail: christian.brunner@uni-graz.at
Andrea.lauer@uni-graz.at

Belgium
Mr. Jean-François MAYENCE
Legal Officer
Belgia Federal Office for Science Policy, (SSTC), Service du Premier ministre, Affaires scientifiques
8, rue de la Science
1000 Bruxelles, Belgique
Phone: +32 2 238 35 17
Fax: +32 2 230 59 12
E-mail: maye@belspo.be

Prof. Jan WOUTERS
Director of the Institute for Int. Rel.
University of Leuven
41, Tiensestraat
B-3000 Leuven, Belgium
Phone: +32 16-32.51.22
Fax: +32 16-32.54.64
E-mail: jan.wouters@law.kuleuven.ac.be

Finland
Prof Maurice ANDEM
Director of the Institute of Air and Space Law
Faculty of Law, University of Lapland
Pl. 122
SF 96101 Rovaniemi, Finland
Phone: 358.16.324.527
Fax: 358.16.324.500
E-mail: Maurice.Andem@ulapland.fi

France
Prof. Armel KERREST
Association pour le développement du Droit de l’Espace en France
C/O CNES 2 place Maurice Quentin
75001 Paris, France

Université de Bretagne Occidentale
12 rue de Kerigoat
29200 Brest, France
Tel: (33) 02 98 01 66 09
Fax: (33) 02 98 01 66 09
E-mail: armel.kerrest@univ-brest.fr
Secrétariat général :
Philippe Achilleas
IDESE
54, boulevard Desgranges
92331 SCEAUX CEDEX, France
E-mail: philippe.achilleas@idest-paris.org

Germany
Prof. Stephan HOBE
Institute of Air and Space Law
University of Cologne
Magnus Platz
Cologne, Germany
Phone:+49 221 4702337/ 221 93189720
Fax: +49 221 4704968
Email: stephan.hobe@uni-koeln.de

Italy
Prof. Sergio MARCHISIO
Istituto di Studi Giuridici Internazionali, CNR
Via dei Taurini 19
00185 Roma, Italia
Phone: +39 06 49937667
Fax: +39 06 44340025
E-mail: marchisio@ici.rm.cnr.it

Netherlands
Prof. Frans von der DUNK
Int.Institute of Air and Space Law
Leiden University
P.O.Box 9520, 2300 RA Leiden, The Netherlands
Phone: +31 (0) 71-5277724
Fax: +31 (0) 71-5277600
E-mail: F.G.vonderDunk@law.leidenuniv.nl

Spain
M. José SAN PIO
Centro Español de Derecho Espacial (CEDE)
Escuela Diplomática
Paseo de Juan XXIII, 5
28040 Madrid, Spain
Tel: +34 91 535 53 00
Fax: +34 91 535 23 89
E-mail: cede@cede.org

Switzerland
Me Frédéric MEYER
Fasel, Bochatay et Tsimaratos
47, rue du 31 Decembre
1207 Geneva, Switzerland
Phone: +41 22 849 60 40
Fax:+41 22 849 60 50
E-mail: frederic_meyer@fbt.ch

United Kingdom
Tony BALLARD/ Joanne WHEELER
C/o Allen & Overy
One New Change
London EC4M 9QQ
United Kingdom
e-mail: tony.ballard@ffw.com,
joanne.wheeler@esa.int

ECSL news
ISSN 1013-9036

The ECSL newsletter is distributed fee of charge to all ECSL Members.
Coordinator: Alberto Marchini, ECSL
It is published for ECSL by:
ESA Publications Division
c/o ESTEC, Keplerlaan 1
2200 AG Noordwijk, The Netherlands
Editor: Dorothea Danesy
Layout & Prepress: Isabel Kenny
For further information, contact the ECSL Secretariat:
c/o ESA, 8-10 rue Mario-Nikis
75738 Paris Cedex, France
Tel.: +33-1-5369 7605
Fax: +33-1-5369 7560