

4 April 2011

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 a reply received from the Kingdom of the Netherlands.



I. Information received from member States

Kingdom of the Netherlands

[Original: English]

A. Actions to build capacity in space law.

The Kingdom of the Netherlands continues to be active at the national, regional and international level to build capacity in space law. At the national level, it has done so ever since the professorial chair on air law, established at Leiden University in 1938, was extended to space law in 1961. Several universities have been involved with space law teaching in the past, such as the Universities of Amsterdam, Utrecht and Leiden. Currently, Leiden University's International Institute of Air and Space Law organizes for the tenth year its advanced masters (LLM) course in air and space law, which attracts participants from all over the world to study air and space law during one year in Leiden. There are also courses in space law at the LL.B level, and several PhD students undertake post-graduate studies in space law at Leiden University. The Institute also regularly organizes symposia, excursions and internships for its students and other interested parties in the Kingdom of the Netherlands. Students from the LLM programme participate in the European rounds of the Manfred Lachs Space Law Moot Court Competition of the International Institute of Space Law (IISL). In addition, a legal periodical titled "Air and Space Law" is published by Kluwer Law International for more than thirty years, and an academic series of "Studies on Space Law", with a Dutch series editor and editorial board consisting of internationally renowned experts, is published by Brill/Martinus Nijhoff Publishers.

At the regional level, Leiden University's International Institute of Air and Space Law functions as the National Point of Contact (NPOC) of ESA's European Centre for Space Law, which organizes several activities in the field of capacity building in space law. For instance the Summer Course of Space Law and Policy, held last year in Lisbon, Portugal, hosted several students and teachers from the Kingdom of the Netherlands. In addition, the ECSL's Practitioners Forum is being organized and coordinated since many years by a Dutch Board member of ECSL. Dutch space law experts also occasionally serve as judges or jury members in the European round of the Manfred Lachs Space Law Moot Court Competition, which is organized by ECSL.

At the international level, several Dutch space lawyers are closely involved with the activities of the International Institute of Space Law (IISL), which organizes, since 2009 a "young scholars session" at the annual Colloquium on the law of outer space held during the International Astronautical Congresses, and has organized, since 1992 the annual Manfred Lachs Space Law Moot Court Competition mentioned above.

B. Preliminary draft curriculum on space law

The Kingdom of the Netherlands is of the opinion that the efforts undertaken by the UN Office for Outer Space Affairs to draft a curriculum on space law to be taught at the four UN affiliated Regional Centers for Space Science and Technology Education, established in Morocco, Nigeria, India, and Brazil/Mexico in the framework of existing courses on remote sensing, satellite communications and other topics is extremely useful. Ever since the start of the work on the Curriculum, Dutch experts have been involved in the drafting of the different modules, and have participated in the first UN Expert Meeting on Promoting Education in Space Law held in 2007, as well as the second expert meeting held in November 2009.

The idea to have an introductory module as well as more specific modules tailored to the topic of the relevant nine-month course is excellent. The content of all five modules should however remain accessible for non-lawyers and the level of the modules may require some re-thinking, e.g. by dividing the various topics in a “required” basic level, supplemented by additional suggestions for further in-depth study. The curriculum should focus on topics that are or may become relevant for the participants and should not be too theoretical in nature.

Furthermore, the Kingdom of the Netherlands believes that teachers should have a legal background. In order to facilitate the creation of a pool of teachers willing to contribute to these courses, The Kingdom of the Netherlands is pleased to assist by making available a list of alumni and other experts affiliated with the Leiden University’s International Institute of Air and Space Law to the Office for Outer Space Affairs, which could then contact these individuals with a questionnaire where they can specify their field of expertise and availability. It should be reminded that the aim is capacity building and therefore the courses should not be taught by established experts but by local lawyers who ideally should have a teaching background. An additional effort to “teach the teachers” may be necessary, and possibly the group of experts might be requested to be available for questions about teaching the curriculum.

The Kingdom of the Netherlands also supports the idea to make the curriculum available for law schools which wish to set up courses in space law, but believes that since the current curriculum is clearly geared towards non-lawyers, it would require some remodelling in order to respond to the needs of law students. It may be advisable to first concentrate on a curriculum for the regional centres and to consider the additional use of the curriculum by others at a later stage.

The need for adequate and up-to-date teaching materials in the languages used at the regional centres also merits close attention. In terms of cost-effectiveness, it would be advisable to focus on sources that are available online.

It will be advisable to review the curriculum on a regular basis, not only to see if it still corresponds to the relevant courses (which may change over time) but also to keep it up-to-date. As such, regular consultation with the Directors of the regional centres from the outset is essential.

In conclusion, the Kingdom of the Netherlands would like to commend the staff of the Office for Outer Space Affairs for their hard work and dedication in creating the curriculum, which will greatly contribute to capacity building in the field of space law.