

**UNITED NATIONS/NIGERIA WORKSHOP ON SPACE LAW  
“MEETING INTERNATIONAL RESPONSIBILITIES AND  
ADDRESSING DOMESTIC NEEDS”  
(Abuja, 21/24 November 2005)**

**Session No. 5: Promoting Education in Space Law**

*The Educational Programme of the European Centre for Space Law (ECSL)*

*By Sergio Marchisio, Italy*

*Vice-Chairman, European Centre for Space Law (ECSL)*

***ECSL: Aims and Organization***

The aim of this Workshop is to consider the development of programmes in space law in Africa, with a view to promoting national expertise and capability in this field. In this context, the experience of the European Centre for Space Law (ECSL), set up in Paris, France, in May 1989, is highly meaningful.

The Centre is not a faculty or an institute of law or political studies, nor an establishment in which students can follow courses and obtain qualifications<sup>1</sup>. It aims at promoting the knowledge of and the interest in space law and supports research activities, including the dissemination of information and the organization of workshops and colloquia.

From the beginning, its objective was to bring together people ~~of different extraction with~~ **different backgrounds** (academics, practitioners, international and national civil servants, students and researchers) involved in space law, and provide assistance in implementing initiatives of the European Space Agency (ESA), created by the Convention signed in Paris in March 1975.

The Convention establishing ESA, gathers 17 European States in order to play a federative role in Europe in the area of space research and technology and their applications. In this regard, Article II of the ESA Convention, concerning the purpose of the Agency, stresses on cooperation among European States by implementing *a long-term European space policy*. Since 1975, ESA has become an active actor within the international space community and its contribution to the framing and application of space law had become evident.

Out of these requirements, came the idea of putting in place a flexible instrument, open to the various communities, law faculties, research institutes, scientists, company lawyers, practitioners and students. It was proposed to a Constituent Assembly convened in October 1988 to adopt a Charter, which set out the objectives of ECSL.

The preamble of the Charter embodies some fundamental principles: first, the growing complexity of the sources of space law, both international and national, and, as a consequence, the difficulties of an access to documentation; second, the multidisciplinary character of space law, which

---

<sup>1</sup> The Centre's main unit is located at the European Space Agency (ESA) Headquarters, 8-10 rue Mario Nikis, 75738 Paris 15, France.

includes the rules, both of private and public character, related to access to and use of outer space as well as the means for organizing and executing space-related activities on Earth; further, the steady enlargement of the space user community, as developers users, operators, and their needs; finally, the ESA role to facilitate the exchange of scientific and technical information pertaining to the fields of space research and technology and their space applications.

These were a sum of valid reasons for setting up a European Centre for Space Law, in order to improve the state of space-law research and knowledge in Europe, for the benefit of academics, students, practitioners, and also the image of ESA.

The thread running through the whole project, and which was perhaps the reason for its success, was a resolve to avoid a centralized structure, and to go instead for a flexible one, making it possible to contribute to and benefit from exchanges and coordination. In fact, ECSL relies on a network of National Points of Contact (NPOC). Today NPOCs exist in Austria, Belgium, France, Germany, Finland, Italy, the Netherlands, Spain, Switzerland and United Kingdom. There is also contact with Portugal, while Sweden used to have a NPOC. Each NPOC has its own activities and structure, it adheres to the ECSL Charter and principles and acts at national level to further implement its goals.

The result of exchanging ideas, thoughts and documentation should be progress for all – lawyers and non-lawyers alike -, progress in terms of professional development and the formulation of legal policies. All this in furtherance of an approach rooted in Europe's legal culture.

Article 2 of the Charter, concerning the main purposes of the Centre, depicts the ECSL as a complementary tool in Europe in the field of space law research, as promoter of knowledge of and interest in the law relating to space activities through the promotion of research activities.

At the same time, ECSL has to play the role of a sort of think tank instrument, in order to identify themes related to space law in which research and training activities should be concentrated and encouraged, and to discuss and propose principles and draft norms which may then be promoted at national or European level. In this regard, I can mention the well received inputs that ECSL gave in a number of relevant topics to the sessions of the COPUOS Legal Sub-Committee in Vienna.

The link between ESA and ECSL is evident: membership of the Centre is open to natural and legal persons from ESA Member States, Associate States, and other European States having concluded a co-operation Agreement with ESA. However, ECSL does not have legal personality and it is not an ESA establishment or agency. Where its operation does call for a legal base, it relies on ESA's legal personality. The basic idea was to seek a mechanism able to promote, coordinate and respect the activities of each party. ECSL is directed by a board of 10 members elected by the biennial General Assembly. The Board elects a Chairman and a vice Chairman among its members.

### ***ECSL Educational Programmes***

The ECSL educational programmes and services offered to the space law community include the European Round of the Manfred Lachs Moot Court Competition, the Space Law and Policy Summer Course, the Practitioner's Forum and the Regional Workshops.

Beginning with the *European Round of the Manfred Lachs Moot Court Competition*, this is a model that could usefully be extended to many other disciplines, as both students and teaching staff learn a great deal from it. ECSL organizes the semi-finals in Europe, either at ESA Headquarters, other ESA

facilities in Europe or in an European law faculty. A colloquium on a specific topic will usually be held at the same time as the semi-finals.

Another important event is the *Space Law and Policy Summer Course*, organized every year jointly by an European law faculty and ECSL. This is an intensive two-week course, attracting students from several universities in ESA Member States. The host country normally changes every year. The activity having begun in 1991, many European universities have so far hosted the course.

The main aim of the Summer Course is to have a full-immersion training course on legal, political and economic aspects of space activities. Lectures are given by distinguished lawyers and practitioners of the space field: they have included personalities from the UN Space organs, like the Office of Outer Space Affairs, the COPUOS and its Sub-Committees, professors from universities in member or non-member countries, legal experts from international organizations, space agencies or ministries, practicing lawyers.

Lectures are characterised by three main aspects: they provide general knowledge; but after looking at space law basic principles and texts, special fields and actual practice are examined in depth. Students then prepare for mock pleadings (of the Moot Court type) or mock negotiations for an intergovernmental agreement. This is an exercise, which, though not easy, is very popular, as it gives students the impression of being responsible for handling an actual case for the first time. There are also the ties that such an exercise creates, together with the discovery of a common future.

ECSL publishes special compilations of documentation for the summer courses participants, which provide quite a complete selection of both background material and current legal developments. Not to mention the publication of the Summer Course's Proceedings.

Since 1992, one of the most important event within the ECSL activities is the organisation of the *Practitioners' Forum*, a yearly gathering of practicing lawyers, to which students can have access, providing them with experience of actual issues dealt with by the profession (legal counsel, company lawyers).

The meeting is intended to fulfill the need for practitioners to have an opportunity to meet expert lawyers practicing in the field of space activities, who can provide them with an update of their knowledge and information in this area. It is a one-day session during which specialists present the last developments in special fields of space law and related matters, like telecommunications, EC law, contracts and procurement law, liability, insurance, each presentation being followed by a question/discussion session. The Forum is informal and no papers are published, therefore allowing participants complete freedom of speech and of exchange of views.

The popularity of this initiative attests that not only has space law been given greater importance day-by-day, but also that the number of lawyers and law firms occupied for a large part of their time on space law issues have increased dramatically in recent years.

ECSL activities are not limited to the European region. We can mention, on this line, the *regional workshop* organized at the request of African Mediterranean countries in the field of space law.

This new ECLS activity began in 2001 with a first workshop organized at request of the *Royal Moroccan Centre for Remote Sensing* in Rabat and attended by more than 80 professionals and practitioners from several African countries. This was a clear demonstration of the growing interest in space in developing countries. The first day was devoted to the basic principles of space law, while the second dealt with concrete issues associated with remote sensing, telecommunications and the management of major disasters. Special attention was paid to specific capacity-building in the field.

The second workshop, which also dealt with “Remote sensing for sustainable development : legal aspects”, took place in Tunis in 2002, co-organized by ECSL and the *Regional Centre for Remote Sensing of North Africa States* (CRTEAN), an intergovernmental body based in Tunis and grouping several northern African countries. It aims to promote the development of remote sensing activities of member States and to encourage the implementation of regional projects on remote sensing applications. As for training activities, CRTEAN is engaged in coordinating related initiatives at all levels. In co-operation with competent national institutions, it is in charge with the establishment of high-level training programmes for citizens of member States. In 2005, the third Workshop was also held in Tunis in cooperation with CRTEAN, covering the topic of the contribution of space law to the management of natural disasters.

At the conclusion of each regional workshop, a Declaration was adopted by the participants, defining the needs and the expectations of the Northern African countries on the issue at stake. It was used as a starting point for further discussions at the intergovernmental level.

Finally, ECSL publishes a *Newsletter*, which covers various space law topics and contains information about the activities of the Centre. In its turn, the ECSL Homepage [www.esa.int/SPECIALS/ECSL](http://www.esa.int/SPECIALS/ECSL) offers information on the Centre’s activities and on space law at large. A specialised space law database accessible on the Internet is ESALEX, ECSL’s database.

In conclusion, the results achieved over more than 15 years of activity show that the methodology adopted by ECSL has been largely fruitful. I do hope that ECSL could constitute a model also for other region of the world, namely Africa, which has hosted this UN Workshop on capacity building.