

# NPOC Austria Report 2019-2021

Prof. Irmgard Marboe, University of Vienna, Austria, March 2022

## I) Introduction

Since November 2008, the "National Point of Contact for Space Law Austria" (NPOC Space Law Austria) is established at the Law Faculty of the University of Vienna and headed by Prof. Irmgard Marboe. Between 2001 and 2008, the NPOC Space Law Austria was situated at the University of Graz and headed by its founder, Prof. Christian Brünner. The presence of a number of international organisations and institutions in Vienna, such as the United Nations Office for Outer Space Affairs (UNOOSA) and the European Space Policy Institute (ESPI), is an asset that enables the NPOC to closely collaborate on an international basis.

Although the reporting period was partly overshadowed by the COVID-19 pandemic, the NPOC Austria managed to organise and partake in numerous events on topics pertinent to space law and policy. To name a few, the NPOC Austria organised an online event on "The role of private actors in shaping national space law and policy – dynamics and stumbling blocks" in 2021. In 2019, the Austrian NPOC co-organised a round table at the margins of the IAC in Washington D.C. on legal issues of planetary defence. This topic was also subject of in-depth analyses in the research volume "Legal Aspects of Planetary Defence" edited by Irmgard Marboe with the support of Cordula Steinkogler as assistant editor. The book was published by Brill/Nijhoff in 2021 in the series "Studies in Space Law".

Members of the Austrian NPOC regularly form part of the Austrian delegation at the UN Committee on the Peaceful Uses of Outer Space as well as its Subcommittees and several Working Groups. In the report period, the NPOC was particularly involved in the work of the Ad-hoc Working Group on Legal Issues of the Space Mission Planning Advisory Group (SMPAG).

## II) Subpoints of Contact

Subpoints of Contact have been established at several Austrian universities, including at the University of Graz directed by Prof. Christian Brünner, the University of Linz headed by Prof. Sigmar Stadlmeier, and the Danube University Krems. Members of the Subpoints are engaged in various space law related projects and activities and help to raise awareness of the importance of this area of law at Austrian universities.

## III) Activities

### A) Teaching

Space Law forms part of the general course on Public International Law which is a compulsory subject at all Austrian law faculties. In addition, some faculties offer specialised courses on

space law as optional subject. At the University of Vienna, two courses are taught 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 each academic year and are taught in English. These courses are embedded in the elective areas "Law of International Relations" and "Technology Law". Furthermore, a seminar is held regularly in the summer semester which also includes a focus on space law.

Prof. Sigmar Stadlmeier (University of Linz) teaches a specialised course on air and space law on a yearly basis.

At the University of Graz, a Seminar on International Space Law is held on a yearly basis by Prof. Brünner, Prof. Karimi-Schmidt, Anita Rinner and Alexander Soucek.

In 2020, Hannes Mayer delivered a lecture on space law in the course "Introduction to Space Travel" at the University of Klagenfurt.

A number of Austrian students chose space law for their PhD or Master thesis. In the reporting period, Prof. Marboe supervised the Master thesis "Development of African Space Agencies and Application Scenarios" by Joseph Abakunda of the Graz University of Technology.

From 2 to 12 September 2019, the 28th ECSL Summer Course on Space Law and Space Policy took place in Messina, Italy. The NPOC Space Law nominated students from several Austrian universities, four of whom received an ESA scholarship covering the participation fee and accommodation costs. After the Summer Course had to be cancelled in 2020, the NPOC nominated 11 Austrian students to participate in the 29th ECSL Summer Course on Space Law and Policy, held online in August/September 2021. Of the nominees, the ECSL selected a total of 7 students (4 from the University of Vienna, 1 from the University of Graz, 1 from the University of Innsbruck, and 1 from the University of Linz). In addition to lectures by experts, interactive breakout sessions and presentations by students, the week-long course offered students the opportunity to exchange ideas and make new contacts. Thematically, the focus was on the development and use of celestial bodies and their resources, national space law, space applications and environmental protection.

Teams from the University of Vienna participated in the European Rounds of the Manfred Lachs Space Law Moot Court in 2019, 2020, and 2021, for the sixth, seventh, and eighth time respectively. In 2019, three students, Livia Landskron, Felicia Schartner und Roman Haller were coached by the team of the Austrian NPOC and previous years' participants Michael Friedl und Clara Baumgartner. For the first time, the Austrian team reached the finals and was only bested by the team of the University of Ljubljana. Livia Landskron received the award of "Best Oralist".

The 2020 team, consisting of Katharina Harreiter, Rosanna Hoffmann and Hristina Talkova, was coached by the former Moot Court participants, Clara Baumgartner and Michael Friedl. The Austrian team was able to reach the finals again, and for the first time it won the European Rounds of the competition. Hristina Talkova was awarded the distinction of "Best Oralist". In the World Finals, the Viennese team managed to win the semi-finals and ultimately reached second place in the World Finals, with students from the University of Delhi winning the final round. The University of Vienna received the World Best Memorial Award, and Hristina Talkova was again crowned as Best Oralist.

The 2021 Viennese Team consisting of Dorit Aschauer and Max Felbermayr scored the fifth place in the European Rounds of the Manfred Lachs Moot Court, which was organised by the European Centre for Space Law (ECSL) and conducted in an online format. During the written and oral preparation phases, the team was coached by Austrian NPOC members and former Moot Court participants Rosanna Hoffmann, Felicia Schartner and Hristina Talkova.

In the 2021 Manfred Lachs Moot Court, Austria was also represented by a team from the University of Graz.

In 2021, The NPOC Space Law Austria launched a space law essay competition open to all students studying at Austrian universities. Students can choose between three pertinent topics in the area of space law. The authors of the three best submissions receive financial support by the Austrian Federal Ministry for Climate Action to participate in events organised by the ECSL, as well as the International Astronautical Congress, in 2022.

## B) Research

The volume "Legal Aspects of Planetary Defence", edited by Prof. Marboe with the support of Cordula Steinkogler as Assistant Editor and published by Brill/Nijhoff in September 2021 in the series "Studies in Space Law", deserves special mention. The book deals with legal issues related to mitigation efforts by the international community against dangerous asteroids and comets, with the first part presenting technical background information and activities of space agencies in this context, and the second part dedicated to the legal analysis of specific issues. Thus, the book offers an interdisciplinary approach, prepared by internationally renowned experts. Most of the authors are members of the Space Mission Planning Advisory Group (SMPAG) of the United Nations or its Ad-hoc Working Group on Legal Issues.

Other publications by NPOC members include:

Christian Brünner, Weltraummüll (space debris) - Eine Gefahr für Sicherheit und nachhaltige Nutzung des Weltraums, together with Karolina Klemm, Hannes Mayer, Rinner Anita, In: Peter Hilpold, Andreas Raffener, Walter Steinmair (eds.): Rechtsstaatlichkeit, Grundrechte und Solidarität in Österreich und in Europa, Festgabe zum 85. Geburtstag von Professor Heinrich Neisser, einem europäischen Humanisten (Facultas, Vienna 2021), pp. 1643-1658.

Christian Brünner, Global Space Governance and its Goal to Ensure Sustainability, in: IISL Knowledge Constellation (2021).

Christian Brünner, Non-Binding Regulations ("Soft Law") – A Steering Toll within the Space Governance System, together with Karolina Klemm, in: Liber Amicorum Sergio Marchisio, pp. 981-994.

Christian Brünner (Ed), Space Law Essentials: Vol. 2 Cases, together with Anita Rinner, Hannes Mayer; Yvonne Karimi-Schmidt, Karolina Klemm (2nd edn., NWV, Vienna 2020).

Yvonne Karimi-Schmidt, The Issue of Loss and Damage within the International Climate Law, available online at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3732980](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3732980).

Irmgard Marboe, Living in the Moon Village - Ethical and legal questions, 154 Acta Astronautica, (January 2019), pp. 177-180.

Irmgard Marboe, New Field of Arbitration: "Space Law" - The Opportunity of Arbitration for a Growing Sector, together with Giulia Pavesi, Austrian Yearbook on International Arbitration 2019 (Vienna 2019), pp. 40-44.

Irmgard Marboe, Agreement on the Rescue and Return of Astronauts and the Return of Space Objects, Oxford Encyclopedia of Planetary Science (June 2019), pp. 1-26

Irmgard Marboe, What are Space Resources? What are Celestial Bodies? – The Need for Refined Legal Definitions in View of Recent Regulatory Efforts Concerning Space Resources, together with Michael Friedl, in: International Institute of Space Law (ed.), Proceedings of the IISL 2018 (The Hague 2019), pp. 749-760.

Irmgard Marboe, Reviewing the Moon Agreement or Amending the Outer Space Treaty – Views of UNCOPUOS Member States, in: International Astronautical Federation (ed.), 70th International Astronautical Congress, IAC19,E7,5,2,x54270

Irmgard Marboe, Reviewing the Moon Agreement or Amending the Outer Space Treaty – Views of UNCOPUOS Member States, in: International Institute of Space Law (ed.), Proceedings of the IISL 2019 (The Hague 2020), pp. 395-412.

Irmgard Marboe, Book Review: Mahulena Hofmann, Tanja Masson-Zwaan, Introduction to Space Law, Wolters Kluwer 2019, 231 pages, in: 52 Space Policy (2020) 101357, available also at Elsevier, 17 February 2020, 101357.

Irmgard Marboe, Introduction, in: Irmgard Marboe (ed.), Legal Aspects of Planetary Defence (Leiden 2021), pp. 1-16.

Irmgard Marboe, International Law Rules Related to the Sharing of Information about Potential NEO Threats, in: Irmgard Marboe (ed.), Legal Aspects of Planetary Defence (Leiden 2021), pp. 149-173.

Irmgard Marboe, Conclusions and Considerations on the Way Forward, in: Irmgard Marboe (ed.), Legal Aspects of Planetary Defence (Leiden 2021), pp. 399-419.

Irmgard Marboe, What, if any, Relevance does the Moon Agreement have to Activities in Space Today?, Perry World House, University of Pennsylvania Thought Pieces, available at [https://global.upenn.edu/sites/default/files/perry-world-house/Marboe\\_SpaceWorkshop.pdf](https://global.upenn.edu/sites/default/files/perry-world-house/Marboe_SpaceWorkshop.pdf).

Irmgard Marboe, Weltraum, in: A. Reinisch (ed.), Österreichisches Handbuch des Völkerrechts. Vol. I, 6th ed. (Vienna 2021), pp. 532-540.

Hannes Mayer, The Moon Agreement at 40, in: Otfried Liepack (ed.), History of Rocketry and Astronautics: Proceedings of the History Symposium of the International Academy of Astronautics (Univelt, San Diego 2022).

Hannes Mayer, The Astronaut Rescue Agreement at 50, in: Hannes Mayer (ed.), History of Rocketry and Astronautics: Proceedings of the Fifty-first History Symposium of the International Academy of Astronautics (Univelt, San Diego 2021).

Hannes Mayer (ed.), History of Rocketry and Astronautics: Proceedings of the Fifty-first History Symposium of the International Academy of Astronautics (Univelt, San Diego 2021).

Hannes Mayer, Review: Our Common Cosmos – Exploring the Future of Theology, Human Culture and Space Sciences, in: 123 Theologicum (2021), p. 24.

Cordula Panosch, Space Traffic Management – A New Perspective for Space Law, in: P. Achilleas and S. Hobe (eds.), The Hague Academy of International Law, 50 Years of Space Law (Leiden/ Boston 2020), pp. 679–713.

Cordula Panosch, Austrian National Space Law, in: Oxford Research Encyclopedia of Planetary Science (Oxford 2021).

Cordula Panosch, Near-Earth Objects – Basic Terms and Characteristics, together with Christian Koeberl, in: I. Marboe (ed.), Legal Aspects of Planetary Defence (Leiden/Boston 2021), pp. 19-27.

Cordula Panosch, Rules of International Law Regarding an Obligation of States to Undertake Planetary Defence Activities, in: I. Marboe (ed.), Legal Aspects of Planetary Defence (Leiden/Boston 2021), pp. 174-208.

Alexander Soucek, Space Law Essential Vol. 1 Textbook (2<sup>nd</sup> edn., NWV, Vienna 2020).

Stephanie Stipsits, The "European New Space": Spaceports Provided by Private Actors, in: A. Froehlich (ed.), Studies in Space Policy, Vol.34 (2021), pp. 35-51.

### C) Events

The NPOC Space Law Austria organised and participated in a number of events during the period from 2019 to 2021.

On 12 February 2019, the NPOC Space Law Austria together with the Secure World Foundation organised the event "Guidelines for the Long-term Sustainability of Outer Space Activities: Implementation Experiences and Challenges" at the margins of the fifty-sixth session of the UNCOPUOS Scientific and Technical Subcommittee at the Vienna International Center. During the panel discussion, international experts reported on their experiences with the implementation of the Guidelines for the Long-term Sustainability of Outer Space Activities which have been developed in UNCOPUOS.

From 2 to 4 September 2019, the UN/Austria Symposium "Space: A tool for Accessibility, Diplomacy and Cooperation" took place in Graz and was co-organised by the NPOC Space Law Austria. In presentations, panel discussions and workshops, the importance of space technology, applications and activities in addressing the common challenges facing humanity through international cooperation as well as in solving local problems through access to space was examined.

Members of the NPOC also participated in numerous international and national conferences and events in the space field, including a panel on "Commercial Space Legislation – US and Global Developments" at the 12th Nebraska Space Law Conference "Global Perspectives on Space Law and Policy" in Washington D.C., USA on 18 October 2019. Furthermore, members of the NPOC gave presentations at the 70th International Astronautical Congress which took place from 21 to 25 October 2019 in Washington D.C., USA on the occasion of the 50th anniversary of the Apollo 11 Moon landing.

The NPOC Space Law Austria was involved in the organisation of a Round Table on "Legal Issues in Planetary Defence" which took place on 19 October 2019 just before the International Astronautical Congress in Washington D.C., USA, at the premises of the American Society of International Law (ASIL). The event was organised together with ASIL and the International Institute of Space Law (IISL). During the event the work of the Space Mission Planning Advisory Group (SMPAG) Ad-hoc Working Group on Legal Issues, in which members of the NPOC Space Law Austria participate, was discussed with international experts, including the Legal Advisor of the United Nations, Stephen Mathias.

From 18 to 22 November 2019, the United Nations/Austria World Space Forum "Access to Space4All" took place at the premises of the United Nations in Vienna, in which the NPOC Space Law took part in the organisation and through panel participation and rapporteur functions.

From 1 to 3 September 2020, the United Nations/Austria Symposium "Space Applications for Sustainable Development Goal 13: Climate Action" was organised as a virtual conference in which the NPOC Space Law Austria was involved as a co-organiser and through co-moderations. In presentations and discussions, the importance of space technologies, applications and activities in supporting climate action and in contributing to global efforts to mitigate and adapt to climate change was discussed. Due to the success of the multidisciplinary approach adopted during the past years, in 2020 the focus of the Symposium was again not only on space technology but also on space law and policy.

In 2021, a special focus was put on the topic of planetary defence. Examples for this include the Planetary Defence Conference of the International Academy of Astronautics, which was organised in Vienna from 26 to 30 April 2021, and an international symposium in Mexico City on 12 May 2021. Due to the restrictions imposed by the Corona pandemic, all these events took place via the internet.

At the margins of the UNCOPUOS Legal Subcommittee, organised in hybrid format, the NPOC Space Law Austria organised an online event on the topic of "The role of private actors in shaping national space law and policy – dynamics and stumbling blocks" on 7 June 2021. Prof. Marboe moderated the discussion with four speakers who shared their experiences with the development of national space laws and policies in which the interests and needs of the private space sector had played an important role. The speakers had different professional and geographical backgrounds: Prof. Steven Freeland, professor emeritus of international law at the University of Western Sydney and Professorial Fellow at Bond University in Australia, Brian Israel, Associate General Counsel for International Law at NASA and previously General Counsel of Planetary Resources, Elina Morozova, the Executive Director of the Intersputnik International Organization of Space Communications, and Prof. Otto Koudelka, professor of telecommunication at the Graz University of Technology, Austria. The event triggered a lot of interest, in particular by delegates of the UNCOPUOS Legal Subcommittee. It was recorded and is accessible on the website of the NPOC Space Law Austria.

The University of Graz organises a public presentation of posters designed by students of the seminar on international space law. In 2020, the presentation was held in an online format. Members of the NPOC also participated in the History Symposia at IAC Cyberspace 2020 and IAC Dubai 2021.

## D) Public Relations

### i) Website

The NPOC Space Law Austria maintains a dedicated website <https://npocspacelaw.univie.ac.at/>, where information on the history of the NPOC Space Law Austria, on the Subpoints of Contact as well as past and current activities, conferences and publications of the NPOC Austria can be found. In addition, the website informs about recent space law-related developments and upcoming events and provides information on legal texts and literature relating to the exploration and use of outer space as well as a link collection on space in general.

The website of Prof. Brünner at the University of Graz contains useful information with a particular focus on the activities of the Graz Subpoint: <https://homepage.uni-graz.at/de/christian.bruenner/>.

### ii) Presence in the media

Der Mond gehört niemandem, in: Ö1-Wissenschaft,  
<https://science.orf.at/v2/stories/2988130/>

Wem gehört das Weltall?, in: Der Standard,  
<https://www.derstandard.at/story/2000105082532/wem-gehoert-das-weltall>

Interview Weltraumrecht, Prof. Karimi-Schmidt, in: Uni Graz Aircampus Podcast,  
<https://www.aircampus-graz.at/podcasts/space-law/>

Ohne Kooperation geht im Weltraum nicht, Prof. Brünner, in: Die Furche,  
<https://www.furche.at/politik/weltraum-experte-christian-bruenner-ohne-kooperation-geht-im-weltraum-nichts-4891815>

Interview with Anita Rinner: Nach den Sternen greifen, in: Die Steirerin 2022 (in connection with Anita Rinner receiving the "Steirerin Award").

Wem gehört der Weltraum?, in: Die Presse,  
<https://www.diepresse.com/6101167/wem-gehoert-der-weltraum>

The success of the 2020 Viennese team of the Manfred Lachs Moot Court was covered in numerous newspaper articles:

Wiener Europameister im Weltraumrecht, in: Die Presse,  
<https://www.diepresse.com/5829358/wiener-europameister-im-weltraumrecht>

Staatenkonflikt im Weltall, in: uni:view Magazin,  
<https://medienportal.univie.ac.at/uniview/uni-intern/detailansicht/artikel/erfolg-fuer-uni-wien-beim-space-law-moot-courts/>

Space Law Moot Courts: Wer hat Recht im Weltraum?, in: uni:view Magazin,  
<https://medienportal.univie.ac.at/uniview/uni-intern/detailansicht/artikel/space-law-moot-courts-juridicum-ist-europaeischer-sieger/>

Triumph im Weltraum für Katharina Harreiter, in: BVZ,  
<https://www.bvz.at/oberpullendorf/stoob-triumph-im-weltraum-fuer-katharina-harreiter-stoob-weltraumrecht-katharina-harreiter-print-287449202>

## E) Consultancy

### i) Austrian Federal Ministries

In 2019, the NPOC worked closely together with the Austrian Federal Ministry for Transport, Innovation and Technology (BMVIT) for the preparation and representation of Austria in the UN Committee on the Peaceful Uses of Outer Space as well as the International Relations Committee (IRC) of the European Space Agency (ESA) and the Working Party on Space of the Council of the European Union. Members of the NPOC were also involved in the meetings of the Working Group on current legal and political issues relating to space activities organised by the BMVIT.

Prof. Marboe participated in the Working Group on current legal and political issues relating to space activities by the Austrian Federal Ministry for Transport, Innovation and Technology in 2019.

In 2021, support was also provided to the BMK for its work at UN level. This took the form of legal analysis on key issues in the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) and its subcommittees, in particular its Legal Subcommittee, and various working groups. Topics covered included the status and implementation of the five UN space treaties, the future role and functioning of the UN Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee, legal issues related to space debris prevention and removal, the significance of legally non-binding UN space instruments, and legal issues related to space traffic management.

### ii) UNCOPUOS

Members of the NPOC Space Law Austria and its Subpoints regularly participate in the Scientific and Technical Subcommittee, the Legal Subcommittee as well as the Main Committee of UNCOPUOS. They provide input for official statements, take part in the sessions and prepare reports for the Ministry of Foreign Affairs.

In 2019 and 2020, the NPOC Space Law was represented in the UN Committee on the Peaceful Uses of Outer Space as well as its Subcommittees and several Working Groups as part of the Austrian delegation. In this regard, the NPOC was particularly involved in the work of the Ad Hoc Working Group on Legal Issues of the Space Mission Planning Advisory Group (SMPAG) and the Working Group on the Space2030 Agenda. Since 2016, the Ad-hoc Working Group on Legal Issues of SMPGA has elaborated a report on legal aspects of planetary defence, which was adopted by SMPAG in February 2020. In this connection, members of the NPOC participated in several meetings of SMPAG and the Legal Working Group. Other UN-related meetings, such as in particular those of the UN Committee on the Peaceful Uses of Outer Space



and its Legal Subcommittee, in which NPOC representatives regularly participated in the Austrian delegation, were cancelled due to the measures to contain Covid-19. Several topics in the area of space law which wait for further development in these bodies, in particular the legal questions of space resource utilization and sustainability of space activities, were postponed to 2021.

iii) ECSL

Prof. Brünner of the NPOC Austria provides input to the ECSL as a Board Member. The NPOC Austria has also initiated contact with the ESA BIC (Business Incubation Centre) in Graz relating to future cooperation.

iv) Others

Members of the Austrian NPOC provide consultancy in their function as board members of the ÖWF (Österreichisches Weltraum Forum/Austrian Space Forum). They have also provided valuable input at a European Youth Parliament Czech Republic Expert Talk in 2021.

Vienna, March 2022