



**INSTITUTE OF AIR AND SPACE LAW
UNIVERSITY OF COLOGNE**

**SURVEY OF ACTIVITIES
2016**

INSTITUTE OF AIR AND SPACE LAW
UNIVERSITY OF COLOGNE

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PREFACE

After all the celebrations at the occasion of the 90th anniversary of the Institute in 2015, the year 2016 was a “fallback” into normal work.

Particular highlights were the 2016 Johannesburg Conference of the International Law Association (ILA) and its Space Law Committee,



the increasing occupation with the topic cyber law, particularly in the realm of the [Tallinn Manual 2.0](#) and the lectures at the 2016 Academy on Air and Space Law at the Gujarat National Law University. Moreover, the Institute was instrumental in formulating a Study on the legal approach to space resources mining of the Directorate of Studies

of the International Institute for Space Law (IISL), the Director of the Cologne Institute being the Head of the Directorate of Studies.

In the following, a brief overall account will be given of the Institute’s activities relating to (1.) teaching: lectures, seminars and dissertations, (2.) international lectures, as well as (3.) cooperation with scientific institutions in the field of air and space law, as well as (4.) cooperation with our scientific sister institutions in Montreal and Leiden, (5.) regular annual meetings and symposia, (6.) cooperation with national and international institutions/consultancies,

(7.) research projects, workshops and colloquia of the Institute (selection), (8.) publications, (9.) library and database of the Institute and last but not least, (10.) staff.

Special event: Karl-Heinz Böckstiegel turned 80 in 2016

The former Director of the Institute has celebrated his 80th anniversary in August 2016. Although he has retired from his activities in air and space law, he is still very active as independent arbitrator in the field of commercial and investment arbitration.



Ad multos annos, Karl-Heinz Böckstiegel!

1. TEACHING: LECTURES, SEMINARS AND DISSERTATIONS

1.1. LECTURES

The Institute offers an [introductory course](#), in both, air and space law.

The lectures in the winter semester (October to February) are devoted to space law and in the summer semester (April to July) to air law. These courses which are taught in a compact way during two and a half days and in English provide an overview over the most important aspects of air or space law respectively. During these days Prof. Hobe invites leading specialists from the aviation and from the space law field to present their areas of specialisation to the students. At the end of the lectures students can take a final exam which is rated with two credit points. These credits can be used as a specialisation for the German Final State Examination in Law as well as for obtaining a Master's degree in law at the Cologne Law Faculty. Moreover, a seminar in air law or in space law is held every other semester.

In the winter term 2016/17 the compact course on space law was presented and again constituted a full success.

1.2. MOOT COURTS

Moreover, since 2010 the Institute participates in the Manfred Lachs Space Law Moot Court Competition. In 2010 the team consisting of Lisa Küpers, Erik Pellander and Martin Reynders won the European Round and was finally awarded the [3rd prize](#) in the world finals during the International Astronautical Congress in Prague. In 2011 the Institute's team (Pauline Riecke, Nico Herbst, Lukas Deutzmann) was awarded the price for the [best memorials](#) within the scope of the European regional round in St. Petersburg. In 2012, the [team](#) consisting of Justin Gräfer, Charlotte Möller and Tarek Boulakbeche made it into the finals of the European Round in Bucharest, Romania and came in second after the National & Kapodistrian University of Athens. The Cologne team received the price for best memorials. In 2013 the team (Laura Nagel and Lydia Pfeffer) made it into the semi-finals (of the European Round) in Rome and Laura Nagel received the best oralist award. Last year, the Institute's Team consisting of Alice Sharif, Jan Steuernagel und Jennifer Zurkowski received again the price for the best memorials. In 2016, Luisa Folkmann, Bernd Weidner and Tobias Schlüter represented successfully the Institute at the European finals in Edinburgh, Scotland.

1.3. DOCTORAL STUDENTS

Also in 2016 there is a number of doctoral students – approximately 15 – who write their legal dissertation in the areas of air and space law under Prof. Hobe's supervision. Among those doctoral researchers are besides students from Germany, those from Brazil, Bulgaria, China, Croatia, France, India, Serbia, South Africa, Spain and the UK. At the end of each semester, normally in February and in July, some doctoral students are asked to present their work in the doctoral seminar, which brings together all the doctoral students of Prof. Hobe. Here not only doctoral students from the areas of air and space law are represented but also students from other areas of public international law, European law and international economic as well as international investment law. In 2016, two of the doctoral students submitted and defended their dissertations.

2. INTERNATIONAL LECTURES

Since a couple of years the Director of the Institute has started to give a series of lectures on air and space law abroad. In 2016 he lectured in South Africa, Bulgaria, India, Poland and France.

The teaching in South Africa took place again at the University of Pretoria. In 2016 the sixth course on air, space and telecommunications law, a pioneer course on the African continent, has been presented. It is a two weeks course which provides an introduction

into air and space as well as telecommunications law and allows also master's students to write their theses on a subject of air and space law. In 2016 a total of 15 students had selected air or space law as their specialization of which 5 students were inscribed in the LL.M. program and took air and space law as specialization for their LL.M. in international law. So far Prof. Hobe has supervised 23 master's theses. In recognition of his extraordinary work for the Faculty of Law Prof. Hobe has been nominated as an extraordinary professor of the University of Pretoria.

At the University of Sofia, Bulgaria, Prof. Hobe teaches air law as a specific segment of international transport law which is provided for by Prof. Nikolay Natov of St Kliment Ohridski University, Sofia.

In India at the Gujarat National Law University (GNLU), Prof. Hobe gave his annual 10-days course on aviation and space law for a total of 21 students at the Air and Space Law Academy under the Chairmanship of Prof. Bimal Patel, Director of the GNLU, which was followed by a specific examination,

Finally, the year was closed with Prof. Hobe teaching at [Université Paris XI \(Paris-Saclay\)](#) a course on space law to the specific master's students there.

3. COOPERATION WITH SCIENTIFIC INSTITUTIONS IN THE FIELD OF AIR AND SPACE LAW

The long-standing cooperation between the Cologne Institute and the [International Institute of Space Law](#) (IISL) is formalised by the fact that Prof. Hobe is a member of its [Board of Directors](#) as well as Chairman of its Directorate of Studies.

Prof. Hobe is also a full member of the [International Academy of Astronautics](#) (IAA).

Furthermore, he currently acts as General Rapporteur of the [Space Law Committee of the International Law Association](#). Together with the Chairperson of the Committee, Prof. Silvia-Maureen Williams, he prepares the respective sessions as well as the Committee reports. The Committee commenced its work inter alia on suborbital vehicles at the 2014 Washington Biannual Conference which was followed in 2016 by the ILA Conference in Johannesburg, South Africa.

Prof. Hobe is also a member of the Committee of Management of the [European Air Law Association](#) (EALA) and full member (membre titulaire) of the [Académie de l'Air et de l'Espace](#) in Toulouse.

In order to promote and support the teaching of space law on the European level, the Institute is co-operating with the [European Centre for Space Law](#) (ECSL) with the aim of bringing together

scholars teaching and students learning space law at various universities, and colleagues dealing with international and European law, the law of telecommunications, the protection of intellectual property rights, the law of the sea and international air law. By this cooperation, related fields of law should be brought into direct contact with legal norms relating to special activities in the exploration and use of outer space. The Centre offers as one of its main activities a summer school, in 2016 in the Lazarski University in Warsaw, Poland, also attended by German students, and a Practitioner's Forum which is regularly held in March at ECSL headquarters in Paris. Prof. Hobe belongs to the Board of Directors of the ECSL and the Cologne Institute of Air and Space Law serves as National Point of Contact (NPOC) for ECSL.

4. COOPERATION WITH OUR SCIENTIFIC SISTER INSTITUTIONS IN MONTREAL AND LEIDEN

As a tradition, cooperation of the Institute is also continued with other university institutes of air and space law, namely the [Institute of Air and Space Law at McGill University](#), and with the [Leiden Institute of Air and Space Law](#).

Prof. Hobe is also a member of the Advisory Board of the International Institute of Space Law (IISL) at Leiden University. Here, he regularly participates in the sessions of the Advisory Board and in other activities of the Institute such as the review of doctoral theses and the participation in defences of doctoral dissertations.



Trophy given on the occasion of the 90th anniversary of the Cologne Institute by Prof. Pablo Mendes de Leon, Director of the Leiden Institute of Air and Space Law

5. REGULAR ANNUAL MEETINGS AND SYMPOSIA

5.1. “FACHGESPRÄCH LUFTRICHT“ (ANNUAL SPECIAL SESSION ON AIR LAW)

Since 2002, each year the so-called „Fachgespräch Luftrecht“ (Annual Special Session on Air Law) is held at the University of Cologne, where scholars and practitioners come together at the Institute for an informal exchange of views on important current issues of practical relevance. In 2016, the topic was “airport peculiarities” with interesting presentations relating to this topic.

**5.2. AIR AND SPACE LAW COMMITTEES OF THE
GERMAN ASSOCIATION OF INTERNATIONAL LAW AND THE
GERMAN SOCIETY FOR AERONAUTICS AND ASTRONAUTICS
(ANNUAL SESSION)**

The joint annual sessions of the Air and Space Law Committees of the [German Association of International Law](#) and the [German Society for Aeronautics and Astronautics](#) are chaired by Prof. Hobe and hosted at the Institute. Here, relevant aviation and space actors from airports, airlines, the industry, German Federal Ministries, the German Aerospace Center etc. come together for an exchange of views and information. Moreover, all aviation and space law stakeholders in Germany (airports, airlines, ministries, DLR and UNCOPUOS) gave short reports on the current work during the past year.

**6. COOPERATION WITH NATIONAL AND
INTERNATIONAL INSTITUTIONS/CONSULTANCIES**

The Cologne Institute closely cooperates with many national and international institutions in the field of air and space law.

In this context, the traditional collaboration with the German Federal Ministry of Transport and Digital Infrastructure established over 60 years ago is of particular importance. The most significant common project in this framework, namely the Zeitschrift für Luft- und Weltraumrecht, ZLW ([German Journal of Air and Space Law](#)),

was established in 1952 and is continued regularly until today (see sec. 4.1 below). Thereby, close ties were developed between the two institutions accomplished by a regular exchange of views and information between experts, bringing together the practical know-how and experience of the Ministry with the scholarly work of the Institute.

The Institute's advice and expert opinions are also well received by various other German institutions (e.g. [Federal Ministry of Education and Research](#), [German Aerospace Center](#) (DLR) and the space industry.

Moreover, the Institute provides valuable advice to the [United Nations Committee on the Peaceful Uses of Outer Space \(UNCOPUOS\)](#) by Prof. Hobe as legal advisor of the German delegation.

Since 2003, the Institute also co-operates with the UN Office for Outer Space Affairs, especially with respect to the collection and evaluation of international and national space legislation. In this context, the Institute relies on its available resources acquired through its loose-leaf collection „[Space Law: Basic Legal Documents](#)“ edited by Prof. Karl-Heinz Böckstiegel and Dr Marietta Benkö.

7. RESEARCH PROJECTS, WORKSHOPS AND COLLOQUIA OF THE INSTITUTE (SELECTION)

COLOGNE COMMENTARY ON SPACE LAW (CoCoSL)

In 2014 one of the flagship projects of the Institute was terminated. With the appearance of Volume 3 containing all important resolutions of the United Nations General Assembly relevant for the uses of outer space the three-volumed book series has been completed. The project had commenced as early as 2007.

In autumn 2009, Volume I commenting on the Outer Space Treaty was published and officially presented to a broad audience in October at the 60th International Astronautical Congress in Daejeon (Republic of Korea). In 2010 it was awarded the [IAA Social Science Book Award](#). Volume II was published in March 2013 and presented to the UNCOPUOS Legal Subcommittee and Volume III was published in 2015.

This project was carried out in cooperation of the Institute with the [German Aerospace Center \(DLR\)](#). It aimed at providing a commentary on the norms of space law as contained in the five UN Space Treaties and all relevant General Assembly Resolutions in this field. The commentary is edited by [Prof. Stephan Hobe](#), [Dr Bernhard Schmidt-Tedd \(DLR\)](#) and [Prof. Kai-Uwe Schrogl \(ESA\)](#). It shall serve as legal reference book for scholars and practitioners alike.

Throughout 2016, Volume I was translated into Chinese and Russian. Those two projects were carried out under the flagmanship of the Institute in cooperation with the [German Aerospace Centre \(DLR\)](#). During a dedicated event on March 29th, 2017, both books will be presented during the session of the UNCOPUOS Legal Subcommittee in Vienna, Austria.



8. PUBLICATIONS

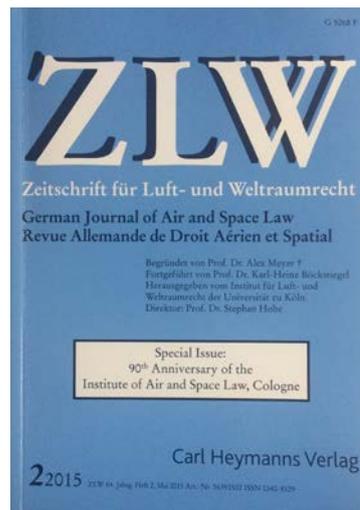
8.1. ZEITSCHRIFT FÜR LUFT- UND WELTRAUMRECHT, ZLW (GERMAN JOURNAL OF AIR AND SPACE LAW, REVUE ALLEMANDE DE DROIT AÉRIEN ET SPATIAL)



The German Journal of Air and Space Law (ZLW) is the only publication of this kind in Germany and one of about half a dozen worldwide. It has been edited by the Director of the Institute of Air and Space Law at the University of Cologne in a quarterly rhythm since 1951. The ZLW publishes contributions on German and international air traffic law and international space law as well as legislation, conference reports, judicial decisions and book reviews in these fields.

The Journal is not only available as a hardcopy, but also as an Online-Version on www.zlw.heymanns.com - free of charge for subscribers of the Journal. In addition, ZLW is also available through the international database [HeinOnline](#).

On the occasion of the 90th anniversary of the Institute a special issue of the German Journal of Air and Space Law was published containing greetings from the then President of the International Court of Justice Peter Tomka and Judge emeritus Abdul Koroma as well as State Secretary Michael Odenwald, eleven important contributions on the development of air law, space law, and cyber law. They are still copies of this special issue available at the Institute. Please contact the Institute in case of interest in receiving this special issue.



In the following you can find a selection of articles published in the ZLW in 2016. You have free access to the complete contents of the ZLW on zlw.heymanns.com.

Air Law

- *Abeyratne, Ruwantissa*, Climate Justice and COP 21 – The Aviation Perspective, German Journal of Air and Space Law, pp. 192.
- *Giesberts, Ludger*, Aktuelle Fragen der Entgelterhebung nach § 19b LuftVG German Journal of Air and Space Law, pp. 328.
- *Gronefeld, Volker*, Lärmwirkungsforschung und Konfliktbewältigung in der luftrechtlichen Planfeststellung – Aus Anlass der NORAH-Studie –, German Journal of Air and Space Law, pp. 67
- *Hackenberg, Nele / Naske, Nina*, Unerwartete Ereignisse und ihre Folgen - Die Meldeverordnungen und ihr Regelungskontext, German Journal of Air and Space Law, pp. 493.
- *Knittlmayer, Norbert*, Völkerrechtliche Pflicht zur Sperrung des Luftraums über „Konfliktzonen“? – Erörterung am Beispiel des Abschusses von Flug MH17, German Journal of Air and Space Law, pp. 44.

Space Law

- *Baruah, Rishiraj*, WTO and Space Activities: A Legal Assessment on Liberalization of the Space Industry , German Journal of Air and Space Law, pp. 375.
- *Di Pippo, Simonetta*, Registration of Space Objects with the United Nations Secretary-General, German Journal of Air and Space Law, pp. 364.
- *Hobe, Stephan*, Space Traffic Management – Some Conceptual Ideas –, German Journal of Air and Space Law, pp. 204.
- *Soucek, Alexander*, Legal and Practical Questions in Applying Articles II and IV of the Registration Convention, German Journal of Air and Space Law, pp. 22.

8.2. SCHRIFTEN ZUM LUFT- UND WELTRAUMRECHT/STUDIES IN AIR AND SPACE LAW/ ETUDES DE DROIT AÉRIEN ET SPATIAL (SERIES)

This [Series](#) was founded by Prof. Karl-Heinz Böckstiegel in 1979 with the publishing house [Carl Heymanns Verlag](#) and is continued by Prof. Stephan Hobe since 2001.

It comprises traditionally a number of doctoral dissertations written under the supervision of the director of the Institute as well as other qualified studies. It also includes the proceedings of international colloquia organised by the Institute. Manuscripts in German as well as in English are eligible for publication in the series. Until 2016, 37 volumes were published in these series.

8.3. PUBLICATIONS AND EDITIONS BY THE DIRECTOR AND THE RESEARCHERS OF THE INSTITUTE (FORMER ALS WELL AS PRESENT) / (SELECTION)

8.3.1. PUBLICATIONS

- *Hobe Stephan*, Ram Jakhu at the Occasion of his 70th Anniversary, in: ZLW 2016, 1.
- *Hobe, Stephan*, Space Traffic Management – Some Conceptual Ideas -, in: ZLW 2016, 3-21.
- *Hobe, Stephan*, The International Institute of Space Law adopts Position Paper on Space Resource Mining, in: ZLW 2016, 204-209.
- *Hobe, Stephan*, Karl-Heinz Böckstiegel zum 80. Geburtstag, in: ZLW 2016, 309.
- *Hobe, Stephan*, Technological Development as a Challenge for the Development of Air and Space Law, in: Cheng, Chia-Jiu (Ed.), A new international legal order - in commemoration of the tenth anniversary of the Xiamen Academy of International Law, Brill 2016, ISBN 978-90-04-32628-6, S. 295-311.

- *Hobe, Stephan*, [Kommentierung] Vorbemerkung, Art. 39, 40 & 46 GG, in: Stern, Klaus (Ed.), Europäische Grundrechte-Charta : Kommentar, Beck 2016, ISBN 978-3-406-68036-6, S. 594 – 617, 685 – 694.

2016

- *Hobe, Stephan/Bungenberg Marc (Eds.)*, Permanent Sovereignty over Natural Resources, Springer 2016, XVI, 221 S., ISBN 978-3-319-15737-5.
- *Hobe, Stephan (Ed.)*, Air Law, Space Law, Cyber Law – The Institute of Air & Space Law at Age 90, Heymanns 2016, ISBN 978-3-452-28793-9.

8.3.2. EDITION: „ESSENTIAL AIR AND SPACE LAW“ (EASL)

This [Series](#) was founded and is still edited by *Dr Marietta Benkö* at Eleven International Publishing, The Hague, in 2005 with the aim of establishing a collection of prominent studies for experienced practitioners (e.g. lawyers, policy makers in governments, national and international organisations and private entities) as well as for scholars involved in the research and study of air traffic and space law. The editor encourages the submission of *interdisciplinary* studies that are co-authored by lawyers and technical experts, possibly in cooperation with political scientists and/or disarmament experts.

In 2016 the series was continued with the following publications:

- *Fitzgerald, Peter Paul*, A Level Playing Field for "Open Skies": The Need for Consistent Aviation Regulation, Volume 15, The Hague, 2016.
- *Lee, Jae Woon*, Regional Liberalization in International Air Transport: Towards Northeast Asian Open Skies, Volume 16, The Hague, 2016.
- *Ahmad, Tanveer*, Climate Change Governance in International Civil Aviation: Toward Regulating Emissions Relevant to Climate Change and Global Warming, Volume 17, The Hague, 2016
- *Milde, Michael*, International Air Law and ICAO, Volume 18, The Hague, 2016.

9. LIBRARY AND DATABASE OF THE INSTITUTE

The [library](#) of the Institute has a long-standing tradition. It was founded in 1951 with a collection of all publications, documentation and relevant materials in the field of air and space law, comprising legislation, judicial decisions, policy papers as well as legal literature. The library is unique in Germany and together with the relevant collections at [McGill University in Montreal](#), Canada and [Leiden](#), The Netherlands, it is one of only three major collections worldwide.

The Cologne library is a reference library, open not only to students from the University of Cologne but to the general public (Opening Hours: Mondays - Thursdays from 10.00 - 16.00). It is also [depository](#) for all official ICAO documents in Germany and it was the first library to have a database specialized on space law. The database (online-catalogue) consists of more than 18.000 catalogue entries. It refers to all monographs, journals, conference reports as well as individual articles of the authors available at the Institute. Since 2002, the catalogue has become accessible via internet through the general online-catalogue of Cologne University ([Kölner UniversitätsGesamtkatalog = KUG](#)). Through this, website users from all over the world can either search the general catalogue of the (entire) University Library or directly search the [catalogue of the Institute of Air and Space Law](#). The former Librarian Denise Digrell along with some student assistants has made sure that by now the entire catalogue is accessible. Since February 2014, her successor [Anna Wiebe](#) has assumed the responsibility for the library and takes care of acquisition, exchange and research.

A list of new acquisitions of the library can be subscribed to via [RSS](#) feed.

The library also offers access to many other national and international databases (i.e. the German database [JURIS](#) as well as [WESTLAW](#), [HeinOnline](#), [JSTOR](#), the [Max Planck Encyclopedia of Public International Law](#) and [many more](#)) as well as to e-journals from all over the world. Moreover the Institute's own Journal (ZLW) and Basic Legal Documents are available online, after consultation with the librarian.

10. STAFF

Prof. Wolf Müller-Rostin, who was appointed as honorary professor by the Cologne Faculty of Law in 2015, continues to teach courses at the Institute. Wolf Müller-Rostin who did his doctoral dissertation under the supervision of Prof. Karl-Heinz Böckstiegel had his professional career with Deutsche Lufthansa. For many years he was director of DELVAG, the special insurance company of Lufthansa. He has published many articles mainly on private air law and air insurance law and has taught many courses at the Institute. We are extremely pleased and proud to have such a profiled air lawyer as an honorary professor in our midst.

WHAT'S UP IN 2017?

I hope that, with this basic selection, we have given you an idea of our activities in 2016. As can be seen from the above description, we will be busy this year as well. The major research activities and projects of the Institute in air and space law will focus on the most recent developments in these fields, such as cyber operations in air and space, cybersecurity, space debris mitigation and remediation and space traffic management. Furthermore, the Institute will be working as a partner in a scientific consortium consisting of universities, research institutions and private companies from Italy, Spain, UK and Germany in the H2020 ReDSHIFT project financed by the European Commission. The objectives of the project spanning over 3 years will be to provide a holistic analysis and approach to space debris mitigation.

One very important focus on our work in 2017 will be the edition of a Commentary on the ESA Convention in collaboration with ESA staff members.

Stay with us!!



Professor Dr Stephan Hobe

DIRECTOR