The Interaction of International Space Cooperation and National Space Policy and Law

Thematic Session 2: Current space exploration and innovation cooperation mechanisms and potential future ones

United Nations/Jordan Workshop: Global Partnership in Space Exploration and Innovation
Amman, 25 to 28 March 2019
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Outline

• Existing international mechanisms for cooperation
• Importance of national space law and policy
• Importance of national space agencies
Existing international mechanisms for cooperation

• Review of international mechanisms for cooperation in the peaceful exploration and use of outer space
• Working Group of the UNCOPUOS Legal Subcommittee 2013-2017
• Report presented in April 2017
  • UN Doc. A/AC.105/C.2/112 of 13 April 2017
Areas of cooperation

- Earth science, space science, basic space research and scientific experiments;
- Space exploration, exploration into deep space and human space exploration;
- Earth observation and remote sensing;
- Telecommunication; Satellite navigation;
- Data exchanges and their terrestrial application;
- Space debris mitigation;
- Launches of foreign payloads on a contractual basis;
- Export and import of satellites, other space equipment, and ground-based facilities;
- Transparency and confidence-building measures in outer space activities;
- Assistance to developing countries to obtain space assets including supplying satellites and launch services, constructing ground facilities and providing personnel training.
Actors and forums of cooperation

- United Nations, UNCOPUOS and Subcommittees
- International intergovernmental organisations and NGOs
- Commercial and private actors
- Various Programmes
  - Launch and in-orbit delivery of satellites
  - Satellite-based data distribution
  - Space applications
  - Experiments
  - Exploration of space both in unmanned and manned programmes
Modes of international cooperation

- International agreements
  - International treaties, implementing agreements, memorandums of understanding and exchanges of letters
- Non-legally binding multilateral cooperation mechanisms
- Multilateral coordination mechanisms
  - Inter-Agency Space Debris Coordination Committee
  - Charter on Cooperation to Achieve the Coordinated Use of Space Facilities in the Event of Natural or Technological Disasters (International Charter on Space and Major Disasters),
  - International Space Exploration Forum
  - Group on Earth Observations, Committee on Earth Observation Satellites
  - International Committee on Global Navigation Satellite Systems
Regional cooperation mechanisms

- Regional organisations
  - ESA
  - APSCO
- Regional platforms
  - APRSAF
  - African Leadership Conference on Space Science and Technology for Sustainable Development
  - Space Conference of the Americas
- UN Regional Centres for Space Science and Technology Education
Bilateral cooperation mechanisms

- Preamble
- Purpose and scope of cooperation
- Actors involved
- Applicable law (UN space treaties; national law)
- Implementation arrangements/agreements; financial arrangements
- Customs duties and taxes
- Exchange of personnel
- Transfer of goods and technical data
- Cross-waiver of liability
- Protection of intellectual property rights
- Settlement of disputes and other final clauses
Importance of national space law and policy

• General exchange of information on national legislation relevant to the peaceful exploration and use of outer space
• Working Group of the UNCOPUOS Legal Subcommittee 2008-2012
• Report presented in April 2012
  • UN Doc. A/AC.105/C.2/101 of 3 April 2012
• UN General Assembly Resolution 68/74 of 11 December 2013
Elements of national space legislation

• Scope of application
  • Definition of “space activity”
• National jurisdiction
  • Territorial and/or personal jurisdiction
• Authorization
  • Designation of an authority
  • Conditions and procedures set out clearly
• Continuing supervision
• Registration
  • National registry and international registration at UN
• Liability, right of recourse, insurance
• Transfer of ownership or control of space objects in orbit
Importance of national space agencies

- A Roadmap for Emerging Space States, ISU Study 2017, see 5.1.5. Space Sector Architecture
- Petroni, Venturini, Verbano, Cantarello, Discovering the basic strategic orientation of big space agencies, Space Policy, Volume 25, Issue 1, February 2009, 45-62
- Martinez, Is there a need for an African space agency? Space Policy, Volume 28, Issue 3, August 2012, 142-145
Thank you for your attention

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