

Cross-sectorial perspectives for capacity-building in space law and policy

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Contents

- Capacity Building
- Evolving Space Law
- Practitioners and Players
- Illustrations
- Concluding Remarks

Capacity Building

to assess... *“relevant needs for capacity-building, assistance and outreach in space law and policy.”*

Evolving Space Law

- International law / National Law
- Public Law / Private Law

Practitioners and Players

- Academics (Trainers and Students)
- Legislative / **Executive organs**
- Legal Practitioners and Bar Associations
- **Industry**
- National Space Agencies
- **Judicial Institutions**
- **Ministries of Foreign Affairs**

Executive Organs (I)

Laws of the Federation of **Nigeria** applicable to **Earth Observation**

- National Space Research & Development Agency Act
- Niger-Delta Development Commission (Establishment, etc) Act- Vol. 11 N86
- Federal Capital Territory Act- Vol. 6 F6
- National Boundaries Commission Act- N10
- National Committee on Geographical Names Act- N24
- Oil Pipelines Act- Vol. 13 O7
- Petroleum Act- Vol. 13 P10
- Federal School of Surveying Act- Vol 7 F21
- Surveyors Registration Council of Nigeria Act- Vol. 14 S1
- Quantity Surveyors (Registration, etc) Act- Vol. 14 Q1
- Estate Surveyors and Valuers (Registration, etc) Act- Vol. 6 E13
- Civil Aviation Act- Vol. 2 C13
- Civil Aviation Authority (Establishment, etc) Act- Vol. 11 N94
- Nigerian Airspace Management Agency Act- Vol. 11 N90

Executive Organs (II)

National Legislation (Main **South African Intellectual Property Laws**)

- Intellectual Property Laws Amendment Act 2013 (Act No. 28 of 2013) (2013)
- Intellectual Property Rights from Publicly Financed Research and Development Act 2008 (Act No. 51 of 2008) (2008)
- Patents Amendment Act 2005 (Act No. 20 of 2005) (2005)
- Patents Act 1978 (Act No. 57 of 1978, as amended up to Patents Amendment Act 2002) (2003)
- Merchandise Marks Act 1941 (Act No. 17 of 1941, as amended up to Merchandise Marks Amendment Act 2002) (2003)
- Performers' Protection Amendment Act 2002 (2002)
- Copyright Act, 1978 (Act No. 98 of 1978, as amended up to Copyright Amendment Act 2002) (2002)
- Intellectual Property Laws Amendment Act 1997 (Act No. 38 of 1997) (1997)
- Designs Act 1993 (Act No. 195 of 1993, as amended by Intellectual Property Laws Amendment Act 1997) (1997)
- Intellectual Property Laws Rationalisation Act 1996 (Act No. 107 of 1996) (1996)
- Plant Breeders' Rights Amendment Act 1996 (Act No. 673 of 1996) (1996)
- Plant Breeders' Rights Act 1976 (Act No. 15 of 1976, as last amended by Plant Breeders' Rights Amendment Act 1996) (1996)
- Trade Marks Act 1993 (Act No. 194 of 1993) (1993)
- 'Vlaglied' Copyright Act 1974 (Act No. 9 of 1974) (1974)
- Performers' Protection Act 1967 (Act No. 11 of 1967) (1967)
- 'Stem Van Suid-Afrika' Copyright Act 1959 (1959)

Industry

Contracting in **Public - Private Partnerships** could include:

- (i) contracts between parties holding equity in the project company;
- (ii) loan and related agreements;
- (iii) contracts between the project company and contractors;
- (iv) contracts between the project company and the parties who operate and maintain the project facility; and
- (v) contracts between the concessionaire and private companies for the supply of goods and services needed for the operation and maintenance of the facility.

Could be governed by either **administrative law** or **contract law** as supplemented by special provisions developed in government contracts for the provision of public services

Judicial Institutions

- ***Republic of Serbia v Imagesat International NV*** [2009] EWHC 2853 (Comm), [2010] 1 Lloyd's Rep 324
 - United Kingdom High Court dismissed an application to challenge an earlier arbitral award for lack of substantive jurisdiction under Section 67 of the 1996 U.K. *Arbitration Act*.
- ***Antrix Corp. Ltd vs. Devas Multimedia*** [2013] (2) ARBLR 226 (SC)
 - Supreme Court of India decides on issues concerning invocation of proceedings and appointment of an arbitrator based on the agreement between the parties providing a choice between UNICTRAL or ICC procedures.

Ministries of Foreign Affairs (I)

on space weapons...

- **International Space Law**
 - The common interest of humanity in furthering the peaceful use of outer space
- **Law of Weaponry**
 - Protect humanitarian values

Ministries of Foreign Affairs (II)

General Application

- Human Rights
- Protecting the Environment
- Exceptions to and restrictions on the Use or threat of Force

Outer Space Activities

- Disarmament intertwined with law of weaponry
- Politico-Military Considerations
- Doctrinal objectives for maintaining peace and security
- Obligations associated with weapons reviews
- Legality of weapons in the absence of prohibitions
- Non-State actors

Concluding Remarks

- Differing academic and legal traditions, distinct cultural, economic and industrial features
- Considerations of International Law / National Law alongside Public / Private Law
- Overspecialisation