

National Center for Remote Sensing, Air and Space Law

Informational resources on the legal aspects of human activities using aerospace technologies

# **Space Law Capacity Building: UNOOSA Workshops 2002 - 2006**

**IISL - ECSL Symposium on Capacity Building in Space Law  
UNCOPUOS Legal Subcommittee  
Vienna, Austria**

**27 March 2007**

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# Space Law Capacity Building: UNOOSA Workshops 2002 - 2006

## Catalyzed by:

- **Increased space activities that have**
  - Made space law, policies, and institutions a priority for a growing number of Nations
  - Highlighted need for ratification and effective implementation of the UN spaces treaties
- **1999 Vienna Declaration**





## **Vienna Declaration on Space and Human Development Adopted by UNISPACE III 30 July 1999**

- **Call for action to promote space law development to meet needs of international community**
- **Emphasized importance of UN space treaties**
- **Invited States and IGOs that had not yet done so to ratify or accede to treaties**

**Report of the Third UN Conference on the Exploration and Peaceful Uses of Outer Space,  
Vienna, 19-30 July 1999**

**(UN publication, Sales No. E.00.I.3), chap. I, resolution 1, annex, para. 32 (b).**



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# Space Law Capacity Building: UNOOSA Workshops 2002 - 2006

- **UN/IIASL Workshop on Capacity Building in Space Law**
  - The Hague, **Netherlands**, 18-21 Nov 2002
- **UN/Republic of Korea Workshop on Space Law**
  - “*United Nations treaties on outer space: actions at the national level*”
    - Daejeon, **Republic of Korea**, 3-6 Nov 2003
- **UN/Brazil Workshop on Space Law**
  - “*Disseminating and developing international and national space law: the Latin America and Caribbean perspective*”
    - Rio de Janeiro, **Brazil**, 22-25 Nov 2004



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- **UN/Nigeria Workshop on Space Law**
  - *“Meeting international responsibilities and addressing domestic needs”*
  - Abuja, **Nigeria**, 21-24 Nov 2005
- **UN/Ukraine Workshop on Space Law**
  - *“Status, Application and Progressive Development of International and National Space Law”*
  - Kyiv, **Ukraine**, 6-9 November 2006



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# Space Law Capacity Building: UNOOSA Workshops 2002 - 2006

## Objectives

- **Promote**
  - Understanding, acceptance, and implementation of UN space treaties and principles
  - Information exchange about National space laws and policies
- **Inform**
  - local decision makers
- **Present**
  - space law study opportunities to promote National expertise and capability





# Space Law Capacity Building: UNOOSA Workshops 2002 - 2006

## Format

- **Regional focus**
  - Held in all 5 regions
- **National decision/policy makers from host nation's region**
- **Space law experts addressed various aspects of space law**
  - UN Space Treaties and Declarations of Principles
  - National laws
  - Law regarding specific applications
    - Remote sensing, navigations, communications, etc.
- **Information about space law education and curriculum**
- **Consensus recommendations/conclusions**
- **All materials at <http://www.unoosa.org/>**



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# **All Workshops: Major Common Conclusions/Recommendations**

- **UN Treaties provide**
  - **Comprehensive legal framework and practical benefits for spacefaring and non-spacefaring nations**
    - States should become Parties, if not already
    - IGOs should declare acceptance of rights and obligations, if haven't already
  - **Practical benefits for space-faring and non-spacefaring nations; e.g.:**
    - International legal regime contributes to international peace and security
    - More stable and predictable global regime
- **UN Principles should be considered for further space law development; tools to exchange views and reach consensus on important issues**







# **All Workshops: Major Common Conclusions/Recommendations**

- **National space legislation should be a high priority for States involved in space activities**
- **Further development necessary to address contemporary questions**
  - Including involvement of private and other commercial entities
- **UNOOSA vital for disseminating information about space law, work of UNCOPUOS and LSC**
  - Should
    - Continue space law capacity building
    - Organize workshops in cooperation with Member States
    - Develop baseline space law course; short courses





# **UN/IASL Workshop: Conclusion Highlights**

- **Treaty obligations are implemented through national law**
- **Capacity-building must account for differences among States including**
  - **Between developing countries, in particular the stage of economic and social development**
  - **The country's legal tradition and the exact nature of space activities carried out by the State**
- **National legislation should be adapted to national needs, taking into account practical applications**





# **UN/IIASL Workshop: Conclusion Highlights**

- **Adopt licensing regimes to protect public health and safety, property and the environment, including limited natural resources**
- **Activities of national space institutions might have to evolve in response to changing circumstances and technical and economic development**
  - **Laws establishing national space policies and institutions should allow flexibility**





# UN/Republic of Korea Workshop: Conclusion Highlights

- **OST**

- Non-appropriation principle fully valid and vital
- “International responsibility” concept broader than “state responsibility”
  - includes all acts, not only wrongful acts
- Private entity resource use, whether or not authorized, does not impute ownership of *in situ* territory or resources

- **Rescue Agreement**

- Some States not Parties have provided information to UN on objects discovered on their territory
- Other States not yet Parties should be encouraged to provide information on objects discovered on their territories





# **UN/Republic of Korea Workshop: Conclusion Highlights**

- **Liability Convention**

- Changing nature of space activities, in particular commercialization, presents new challenges
- Application of fault concept problematic where control of space object transferred from one State to another
- Non-binding Claims Commission award would have strong impetus for involved States to honor award

- **Registration Convention**

- State's liability does not depend on whether it registered space object according to Convention
- Does not provide for transfer of control and supervision from State of registry to another State
  - Questions arising from transfer could be addressed by interpretation or application of Convention so as to enable transferee to register space object





# UN/Brazil Workshop: Conclusion Highlights

- States should consider regional agreements to offer space entities legal certainty and transparency
- States free to use any mechanism deemed appropriate to authorize and supervise non-governmental space activities
- *Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of all States, Taking into Particular Account the Needs of Developing Countries* reflects current aspirations of States regarding cooperation and fostering development of space capacities





# **UN/Brazil Workshop: Conclusion Highlights**

- **“Common heritage of mankind” principle in Moon Agreement and “province of all mankind” principle in OST are two different principles**
- **Multilateral and bilateral cooperation is practical means to allow full access to information for overcoming poverty, mitigating natural disaster damage, and other priorities**
- **Regional space science and technology education centers affiliated with UN could play important space law capacity building role**





# **UN/Nigeria Workshop: Highlighted Conclusions**

- **Space technologies crucial in sustainable development**
  - need supportive national regulatory environment
- **DCs with sensing capability can influence law development**
  - Take action to establish evidence of State practice to enhance and protect right to access data from all sensing States
    - Apply UN Remote Sensing Principles
    - Conclude bilateral and multilateral agreements among developing countries with sensing capabilities
- **Existing national space laws can serve as examples**



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# **UN/Nigeria Workshop: Highlighted Conclusions**

- **Increased space law education opportunities in African region could be achieved by encouraging Governments, education institutions, and private sector to participate actively and by finding innovative solutions to overcome financial constraints**
- **Include space law experts in delegations to COPUOS, ITU, etc. to promote development agenda and encourage youth in space law careers**
- **States should ensure participation of key stakeholders in development of national laws and policies**



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# **UN/Ukraine Workshop: Highlighted Conclusions**

- **States that enact national space laws are obliged to do so in compliance with international obligations and the national requirements of its existing legal system**





# UN/Ukraine Workshop: Highlighted Conclusions

- **National space laws should establish a legal regime that, *inter alia***
  - Licenses and registers space objects launched into outer space**
  - Adequately addresses liability and safety**
  - Has a system for financial responsibility, including indemnification and insurance**
  - Takes into account respect for foreign interests**
  - Establishes mechanisms that enable cooperative efforts among States**



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**Questions?  
Comments?**

