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Access to Space:
Holistic Capacity-Building for the 21st Century
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*Session 6: Workshop on specific tools for
Space Law Capacity-Building*

***A HOLISTIC APPROACH TO
NATIONAL SPACE LAW AND POLICY
EDUCATION AND CAPACITY-BUILDING***

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Outline

- Purposes of space law education and capacity-building
- What is a “holistic approach” to education and capacity-building?
- The need for a “holistic approach”
- Complexities of space law as a domain study
 - Nature of space activities and application
 - Impact space activities and application
 - Sources of space law
 - Foundations of law governing space activities and application
- Purposes of space law education
- Conclusions



Purpose of space law education and capacity-building

- Educate next generation of students and professionals pursuing continuing education about this unique domain
- Develop critical thinkers who are equipped to effectively assist in strengthening space activities applications to contribute to national needs
- Equip students and professionals with tools to anticipate and respond to hypothetical situations and scenarios
- Equip students and professionals with skills and knowhow for career development
- Foster interest and further research in the field

“as space activities and their applications are developed, it is crucial to understand, at least on a general level, how law and regulation interact with such developments. ... In both cases it is important to establish an understanding of the law, legal approaches and legal thinking as early as possible, as mid-course corrections in projects are always far more costly in terms of time, effort and funds than acquiring prior knowledge of the legal parameters for the project at hand”.

Report of the Workshop on Capacity-Building in Space Law (2002)

What is the “holistic approach”?

HOLISM:

“The theory that **parts of a whole are in intimate interconnection**, such that they cannot exist independently of the whole, or **cannot be understood without reference to the whole**, which is thus regarded as greater than the sum of its parts”.

Oxford Dictionary



How is a holistic approach relevant to study of space (law)?

“[...] in creating new and better **global space governance** [there is] the lack of a higher interchange of knowledge, ideas and understanding of the evolving *governance problems in space exploration, use, and exploitation*. In essence, what is required is **more effective international and interdisciplinary dialogue**”.

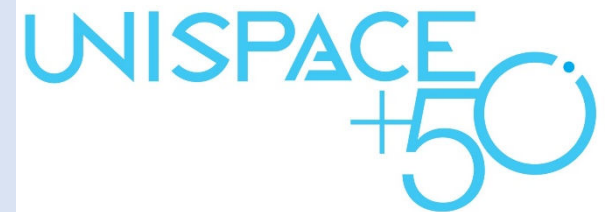
Ram Jakhu & Joseph Pelton, *Global Space Governance: An International Study* (2017)

RECALL:

National Space Law Education and Capacity-Building and UNISPACE+50 Thematic Priorities

7 thematic priorities agreed by COPUOS:

1. *Global partnership in space exploration and innovation*
2. *Legal regime of outer space and global space governance: current and future perspectives*
3. *Enhanced information exchange on space objects and events*
4. *International framework for space weather services*
5. *Strengthened space cooperation for global health*
6. *International cooperation towards low-emission and resilient societies*
7. *Capacity-building for the 21st Century*



- **Interconnected, cross-sectoral approach** to dealing with issues and developments in space domain
- **Innovative and effective approach** to *overall* capacity-building and development needs as a fundamental pillar of **global space governance**

Why is there a need for a holistic approach to space law education ?

“Policy and regulatory frameworks at the national, regional and international levels are of paramount importance in providing the necessary basis for States to meet development goals and address challenges to humanity and sustainable development. In this process, it is necessary to continue to strengthen the interlinkages between international space law and the conduct of space activities”.

Report on the United Nations Workshop on Space Law on the theme “Contribution of space law and policy to space governance and space security in the twenty-first century” (2016)

“capacity-building, training and education in space law and space policy [are] of paramount importance in further developing the practical aspects of space science and technology and increasing knowledge of the legal framework within which space activities were carried out”.

Report on the United Nations Workshop on Space Law on the theme “Contribution of space law and policy to space governance and space security in the twenty-first century” (2016)

Holistic approach to capacity-building and education

Promote the understanding and knowledge of

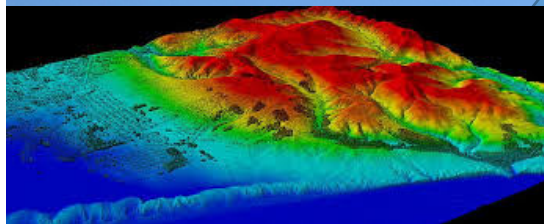


- Feed into
- Prompt
- Inform etc



- Space activities
- Space applications
- Space benefits

- Space law and policies
 - Guidelines and principles
- (international, regional, national)*



- Affect
- Influence
- Regulate
- Control/supervise
- Authorise etc



- Space law does not exist in a vacuum and governs/regulates space activities
- Space activities do not exist in a vacuum and are shaped by space law and policies

Complexities of space law as a domain of study

The **NATURE** of space activities and applications

- involve highly specific technical and scientific knowhow
- take place in a very specific physical (vacuum) environment
- (often) Guided by national interests and concerns
- Rapidly developing and evolving in scope and actors/stakeholders

The **IMPACT** of space activities and applications

- Beneficial to global and national society, economy, science, health, etc etc
- Implications for (geo)politics, (inter)national strategy and security
- Activities have bearing on other (activities and rights of) States
- Activities have bearing on future sustainability of outer space

“All States and stakeholders in the space domain must be concerned with means and ways to strengthen capacities and increase the overall awareness of the benefits and contributions of space science, applications, and the space infrastructure. Capacity-building in space law and policy are unmissable elements in this drive to strengthen overall capacity and training to ensuring the integration and sustainability of space applications and technology as a driver of national and global development”.

Ram Jakhu and Kuan Wei Chen, *Education Curricula for Space Law Capacity-Building: Lessons from the McGill Model* (2017)

Complexities of space law as a domain study

The **SOURCES OF LAW** of space activities and applications

- International (regional) law AND growing body national law
- Unique rules and principles (e.g. State responsibility and liability)
- Existence of guidelines and principles that are not purely legal
- Definitional problems that remain unresolved (yet not constrained space activities/development) (*delimitation, common heritage of humankind, peaceful*

The **FOUNDATIONS of LAW GOVERNING** space activities and applications

- Certain fundamental (“global public interest”) norms and principles exist (*freedom of use and exploration, non-appropriation, peaceful purposes due regard for interest of other States, benefits of humankind etc*)
- Need to ensure uniformity and consistency of norms and principles

“[the teaching of space law] must not only be in black letter space law, but also enable [students and professionals] to **fully understand the principles and rules of this unique discipline within the broader context, nature, and scope of activities in or involving outer space**”.

Jakhu & Chen, *Education Curricula for Space Law Capacity-Building: Lessons from the McGill Model* (2017)

As a result of the complexities of space law as a discipline

“the approach to education, training, and capacity-building in space law and, consequently, the design of educational curriculum for these purposes, should be **based on both the uniqueness of each country’s regulatory necessity and the need for uniformity and convergence of norms and behaviour in global space governance**”.

Jakhu & Chen, *Education Curricula for Space Law Capacity-Building: Lessons from the McGill Model* (2017)

The **teaching and study of space law** must be able to:

- Integrate technical and scientific understanding with understanding of legal principles and processes of law-making at international *and* national levels
- Cater to the needs and interests of the students and future space law professionals
- Provide understanding of the fundamentals of space laws and policies, and space law-making process
- Provide a neutral and comparative approach to the study of laws and policies
- Be forward-thinking, adapted to and reflective of the national circumstances and needs

In short,
space law education must be **HOLISTIC** in
its approach, perspective and delivery

Conclusion

- **Space law education and capacity-building serves various purposes**, among which:
 - Training future space lawyers and specialists in space law
 - Develop skills and knowhow
 - Fostering interest and further research in the field
- **Space law is a highly complex domain of teaching and study**, due to:
 - Nature of activities, applications and actors involved
 - The all-pervasive impact of space activities and applications
 - Unique nature and principles that exist in space law
 - “Global public interest” principles that exist in space law must be reconciled with national interests
 - Uniformity of interpretation and application of norms and principles must be ensured
- There is a need for a **holistic approach to space law education and capacity-building**

