



Dark and Quiet Skies for Science and Society II
Implementing the recommendations
La Palma, Canary Islands, Spain
3 - 7, October, 2021

Laws of Dark Skies and Quiet Skies

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The Law and Starlight Protection

An understanding of the legal system and processes can help developers of starlight protection enable systems to protect the night skies, develop starlight reserves and ensure the limitation of light pollution for future generations.

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| Global, World, United Nations |
| Customary practices throughout global industry |
| Region |
| Country, Nation, State |
| Province, Prefecture, State |
| City, County |
| Districts (special economic zones) |
| Building Standards |



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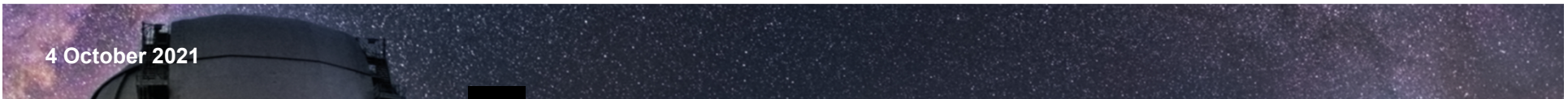
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Law

- A rule of conduct or procedure established by custom, agreement, or authority and enforceable in courts or by governments in their jurisdiction.



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Ethics

- Moral philosophy that involves systematizing, defending, and recommending concepts of right and wrong behavior.



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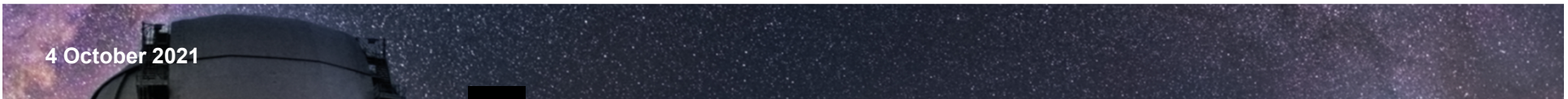
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Policy

- A set of ideas or a plan of what to do in particular situations that has been agreed to officially by a group of people, a business organization, a government, or a political party. This often changes quickly when a new administration comes to power.



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Sustainable Development

- Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.



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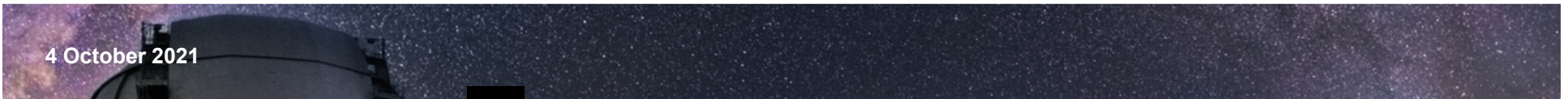
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International Law

- International law consists of the body of rules and procedures that are intended to govern relations between nations or states.



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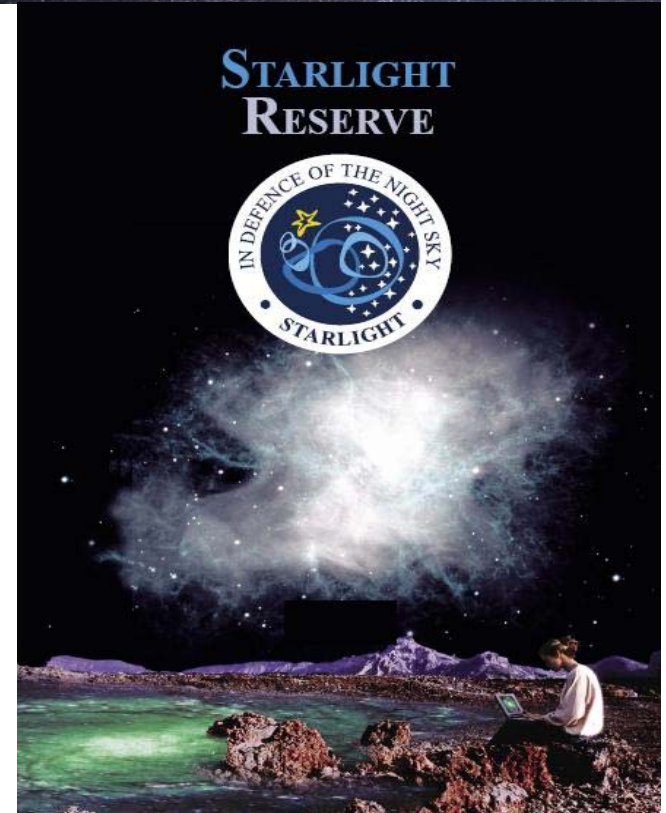


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1. *Starlight Initiative 2007*
2. *Starlight Reserves 2008*
3. *Skyscape Observatories 2009*
4. *Scientific Tour Operator 2010*
5. *Starlight Cities 2011*





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The Legislator's Mind

- How do international law makers view new laws?
- How are starlight lovers organized to make laws?
- What is the most effective approach for developing starlight laws?
- What is the relationship between local ordinances of city and county with international treaties?
- There is a relationship between these diverse legal regimes protecting Starlight



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Sources of International Law

1. **Treaties** or conventions
 2. International **custom**
 3. General **principles** of law recognized by civilized nations
 4. **Judicial decisions** and **teachings** of highly qualified legal writers
- This list, as contained in Article 38(1) of the Statute of the International Court of Justice, implies a hierarchy, or order, in which these sources are to be relied on.

Application of International Law to State Practice

- International tribunals regard municipal law as subservient to international law.
- ***States have obligation to bring their municipal law into compliance with international norms.***
- Municipal courts often balk at this obligation based upon strong feelings of nationalism and belief in priority for the sovereign state's own law.



Treaties and Conventions

Often the equivalents of legislation

- **Treaties** – legally binding agreement between two or more states.
- **Conventions** – legally binding agreement between states sponsored by an international organization.
- **Customs** – standards, practices, tradition

Rules that govern treaties are contained in the **Vienna Convention** on the Law of Treaties, ratified by 108 countries.

How a Treaty becomes the Law of a State

1. Nature of the treaty:

- **Self-executing** – contains a provision stating that the treaty will apply to the parties without having to adopt domestic enabling legislation.
- **Non-Self-Executing** – requires enabling legislation before effective domestically.

2. Constitutional structure of the ratifying state:

- In USA, President negotiates constitutional treaties that are then **ratified** by the Senate.
- Executive agreements – treaties entered by the President or a Chief Executive Head of State, not ratified, not effective domestically.



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United Nations and International Organizations



UNITED NATIONS
Office for Outer
Space Affairs

According to the United Nations Charter, there are two kinds of international organizations:

1. Intergovernmental organizations (IGO)
2. Private or nongovernmental organizations (NGO)



IGO is a permanent organization set up by two or more states to carry on activities of common interest.

NGO is an international organization made up of organizations other than states.

- May be nonprofit either NGO or for-profit multinational enterprise

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The Making of International Law

- Generally, international law comes into effect only when states consent to it.
- General consent found in **state practice** – the conduct and practices of states in their dealings with each other.
- Evidence of general consent:
 - Decisions of the International Court of Justice
 - Resolutions passed by the UN General Assembly
 - Multilateral treaties, conclusions of international conferences, and *provisions repeated over and over again in bilateral treaties*

No description or provisions for “grass roots” movements



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Intelligent Lighting Community Starlight Savings Time



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Different Levels of Starlight Law

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| Global, World, United Nations |
| Customary practices throughout global industry |
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- This is the old way of thinking.
- Legislators tend to think about the way things have always been – the precedent



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Different Levels of Starlight Law

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| | |
|--|---|
| Global, World, United Nations | Outer Space Treaties and Cultural Heritage |
| Customary practices throughout global industry | Cultural ideas and cultural property rights legal protection and mechanisms protecting the rights of groups as well as individual property owners |
| Region | Regional agreements like the Council of Europe's Landscape Convention |
| Country, Nation, State | |
| Province, Prefecture, State | Laws regarding Starlight Reserves, terrestrial based space tourism, and astro-tourism |
| City, County | Light pollution controls through ordinances |
| Districts (special economic zones) | Light pollution controls through ordinances |
| Building Standards | Implementation into building code standards for environmental sustainability, including starlight communities and LEEDS. |

Glocalization - Starlight Cities and international law including the UNESCO "Urban Futures" as integrated into the Council of Europe's Covenant of Mayors

Local for city, state, national and international: Science-based park management and the Scientific Tour Operator under UNEP, UNESCO, and UN-WTO

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The Old View - Protective Laws

- It is ***through State based implementation of international laws*** and norms and the development of national tourism laws that practically enables the traveler to realize and exercise her Right to Starlight.

A Newer View – Glocalization, Economic Development and Tourism Laws

- Starlight, Dark skies and Quiet skies can then be seen as a commodity for consumption by tourists and economic gain for the local tourism industry, and the State, resulting in a means of tourism and sustainable development.



Glocalization and the Law

The concept of glocalization as a term used in tourism academic development is based on combining the idea of globalization with that of local considerations.

- This concept of “think globally and act locally” has been applied to laws relating to starlight reserves, national parks, suburbs, cities, and metropolitan areas.
- Glocalization – more like a grassroots movement
 1. from the ground up
 2. to the international governmental organizations
 3. then to the government organizations



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First Sources of International Dark Skies and Quiet Skies Law

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A New Approach

- Starlight Cities and international law including the UNESCO “Urban Futures” as integrated into the EU’s Covenant of Mayors

Glocalization - Starlight Cities and international law including the UNESCO “Urban Futures” as integrated into the Council of Europe’s Covenant of Mayors

Local for city, state, national and international: Science-based park management and the Scientific Tour Operator under UNEP, UNESCO, and UN-WTO



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Dark and Quiet Skies for Industry Building Standards Not necessarily the Law

- *Implementation into building code standards for environmental sustainability, including starlight communities and LEEDS.*
- **Leadership in Energy and Environmental Design (LEED)** consists of a suite of rating systems for the design, construction and operation of high performance green buildings, homes and neighborhoods.
- Since 1998, more than 7,000 projects in the United States and 30 countries.



Taipei 101, the tallest and largest green building of LEED Platinum certification

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Laws that Inhibit Starlight Access

- Our project involves finding solutions to many of the problems faced by tour operators, such as the fees and the costs including: photography fee, tripods, requirement of ranger presence, and in general too much regulation
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-
-
-
- \$1 million liability insurance policy
- Your final film footage must not show any obvious indications the film location is in.
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Existing Sources of Starlight Reserves Law

Environmental Law

- **Local Zoning, Lighting ordinances**
- **National Parks Regulations**
- **Travel and Tourism Law - Air, Sea, Hospitality, Antarctica**
- **Outer Space Law**
- **World Heritage Law and Treaties**



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More Types of Starlight Law

- Lighting
- Heritage and Cultural protection
- Religious Worship
- **(Australia's Spinifex Aborigines)**
- Air Pollution – of the sky's night or day
- Park rules
- Electricity and power limitation rules



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Space Travel and Tourism Industry

Terrestrial Based Space Tourism

- ***Sellers of Travel*** – SpaceX, Virgin, Space Adventures, many Mojave desert companies
- ***Providers of Travel*** - Russian Space Agency and more than a dozen Private Industries in USA and EU, Astronomy Vacations
- ***Travelers*** – Tourists, Participants, and Crew
- ***State Regulators*** – United Nations Organizations, Governments
- ***Hosts*** - Museums, National Parks, Observatories



Travel and Tourism Industry

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Spaceport America - 100,000 square-foot (9,290 square-meter) facility New Mexico - \$31 million Construction 2008-10



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Virgin Galactic

Blue Origin

SpaceX

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Science-based Tour Operator

- Related types of sites: World Heritage sites, Scientific Tours, and Astronomical Observatories.
- By creation of an attractive “product” the communities could receive the support (with UNESCO assistance through agreements with partners) to develop the mechanism for management and protection of these type of heritage destinations.



Science-based Tour Operator

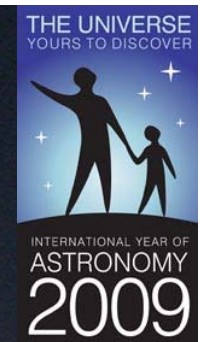
Some of the established categories for Scientific Tourism, include:

- **Historic Laboratories** – such as Da Vinci museum and grave at Chapelle Saint Hubert Amboise, France
- **Underwater Heritage** – sunken ship excavations and coral life
- **Terrestrial Space Tourism** – and Space Camps
- **Space Ports** – big hubs for Scientific Tourism
- *Science and Discovery Centers and Planetariums*
- *Ecotourism*
- *Archeology*
- *Industrial Tourism* as the UN World Tourism Organisation (UNWTO) 2008 launched a program for developing factories in Europe for tourism.



Astronomy Vacations

by Mayhugh Travel



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Astronomy Vacations

by Mayhugh Travel

- **Tianjin (Beijing), China**
Cheju
Island, South Korea;
Kagoshima, Japan and
Kobe, Japan

Tokyo

- www.astronomyvacations.com



- July 11, 2010 eclipse in the Tuamotu Islands east of Tahiti
- May 20, 2012 - the Four Corners of Nevada, Arizona, New Mexico and Colorado



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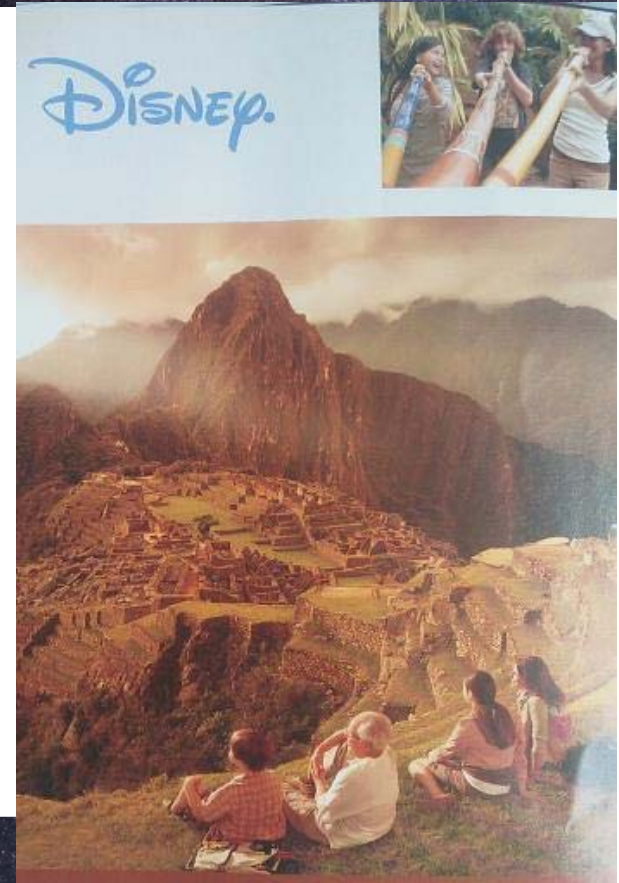
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The Convention Concerning the Protection of the World Cultural and Natural Heritage 1972

- By 2002 tourists' numbers at 400,000
- 2,000 Tourists per day taking the Inca Trail.
- So by the year 2001 so much trash, inadequate toilets, erosion, vegetation destruction, firewood cutting, shelters becoming mini-slum lean too communities
- 2003 UNESCO threatened to remove its World Heritage List Designation
- Peruvian Government responded with Special Task Force
- Sanctuary Authority for rehabilitation including re-afforestation
- Government renewed essential services along the route (toilets, shelters, water supply) to protect the environment in a sustainable manner
- Capacity limited to 500 people per day



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Thank You for your Hospitality!

Dr. Phil Cameron

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