

Rights and Obligations in the International Commons – The Case of Outer Space

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What are the international commons?

High Seas

Deep Seabed

Antarctica

Outer Space

Legal Regulation

- Law of the Sea Convention (LOSC) 1982 and Implementing Agreement 1994
- Antarctic Treaty 1959 and Environmental Protocol 1991
- Outer Space Treaty (OST 1967), Astronauts Agreement (1968), Liability Convention (1972), Registration Convention (1975), Moon Agreement (1979) and UNGA Resolutions (1982-2013)

Common Regulatory Elements

1. Territorial Element

- Non-appropriation of High Seas, Deep Seabed, Antarctica and Outer Space

2. Military Element

- Different degrees of peaceful uses

3. Exploration and use

- Part XI LOSC
- Environmental Protocol (Art. 7) to Antarctic Treaty
- Art. I OST

4. Protection of the environment

- LOSC
- Art. IX OST
- Protocol to Antarctic Treaty

In particular: Outer Space

1. Freedom of exploration and use and scientific investigation (Art. I OST) as the province of all mankind
2. Prohibition of national appropriation of territory (Art. II OST)
3. Peaceful uses (Art. IV OST)
4. Environmental Regulation (Art. IX OST; 4,5 MA; NPS Principles; Space Mitigation Guidelines)
5. ITU: allocation of frequencies and orbital slots against harmful interference
6. Transparency through regulation (Art. II, III, IV RegConv)

Conclusion

1. Freedom of transportation into, from and through outer space
2. Only for „peaceful“ purposes
3. In an ecologically responsible way
 - NPS Principles
 - Space Mitigation Guidelines
4. Space Traffic Control?
5. Due regard principle
6. Use and/or preservation of resources?

Attention:

**90th Anniversary of the Institute of Air and Space
Law,
University of Cologne**

International Symposium:

Air Law – Space Law – Cyber Law

**Looking at 100 Years of Air Law and 60 Years of Space Law – The Institute of Air and
Space Law at Age 90**

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