

NEED FOR COMBINING SPACE LAW WITH ENVIRONMENTAL LAW AND GLOBAL FEDERALISM

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Abstract

This paper concerns the need to combine the principles of international space law with the principles of modern environmental law and ideas of global federalism. The requirement of a world order of 21st century is based on considering this planet being one large ecological unit. The stability of world order is dependent upon the stability of the global environments. As a result, space law is increasingly concerned with environmental law and federal management of this planet.

MODERN SPACE LAW

The broad contours of space law are provided in the excellent Space Treaty of 1967. These legal principles have shaped not only the order in outer space, but also the global order on this planet. A few predominant principles of space law need to be mentioned here. The freedom of exploration, scientific investigation, information contained in the Space Treaty changed the world order from a close, sovereignty-oriented international system to an open and collaborative system based on

international cooperation.¹ Even in national defence matters and in matters related to threats from terrorism from external sources space law and space satellites provide active information at the global level to prevent such threats to world order and federal and national security. International cooperation in space exploration is another important principle of space law for which the United Nations has held important conferences like the UNISPACE III 1999 in Vienna. These conferences of states have helped the global community shape cooperation between states and share the benefits of space exploration. Global communication through space exploration has helped all states and people to live in great ease and interact with convenience. It has helped the whole global management of day to day life through phones, e-mails etc. The last important use of space law has been in the remote sensing of global resources and monitoring of global environments in general. Space law and exploration has a great role to play in the protection of global environments by monitoring eco-systems, disaster management and promoting international cooperation in the conservation movement and protection of global environments.

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Indeed at the global level, there is need to install joint outer space/environment management boards to help provide information on the state of global environments. This can include information on training of terrorists and their camps and other sources of threats to peace and world order. The destruction to global environments by terrorism, by laying of mines, by destroying forests has assumed alarming proportions. The unfortunate terrorist attacks of September 11, 2001 in New York could have been prevented if we had a global disaster management monitoring system which could have given advance warning of terrorist training camps in Afghanistan and elsewhere. Monitoring and responding to global terrorism has become an important function of space law.

GLOBAL ENVIRONMENTAL LAW: ITS MAJOR CONCERNS

Modern environmental law has major concerns with the protection of global environments and with sustainable development. The Stockholm Declaration of 1972 is a world charter for environmental law. It says in the preamble that there is "the need for a common outlook and for common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment." It calls for more prudent care for environmental consequences, acceptance of responsibility by all citizens, communities and institutions as also by individuals for the care of environments. It calls for conservation of earth's resources, control of rising global populations, sound environmental policies that enhance development potential, especially among the developing countries. Above all, the

Declaration like the Space Treaty recommends international cooperation in the protection of environments. Indeed the World Charter for Nature 1982 also gives a new direction to environmental law to seek harmony with nature. It sets forth a few general principles of environmental law which *inter alia* states that nature shall be respected, genetic viability shall not be compromised, conservation of all resources shall be promoted, various eco-systems and organisms shall be protected, and nature shall be secured against degradation by warfare or other hostile activities (to this we may add global terrorism activities). Then there are vast areas of concern for modern environmental law that relate to forest fires, disaster like earthquakes, floods in major river systems, desert formation, scarcity of water resources etc. It is in this field of monitoring of environments and the preservation of eco-systems that space law must be tailored for the decades ahead. We have by and large solved the problems of space law for direct broadcasting, for remote sensing of global resources, for economic exploitation and the issues related to intellectual property rights. Laws are in the making on above issues. Nevertheless space law must be addressed to help solve problems of monitoring of, and degradation to, global environments, and global security of peoples of the world secured from unwanted acts of terrorism. In general, space law should promote sustainable development of environments. The global order is taking note of the stability of climates and other ecological issues. We have to respect nature and renew our lost resources of wild life and some beautiful eco-systems.

GLOBAL FEDERALISM

Federalism has emerged at the global level in recent decade or so in response to globalisation of world economy and cultural interaction. In simple terms federalism is a concept of governance taking into view the needs of local habitat within the overall needs of the region or a state. Thus, federalism ensures diversity of economy or cultures within the overall ambit of national or global economy. Federalism like the notion of sovereign provides for national polity but within the unified world order made possible by globalisation. The environment management has close nexus with federalism. An eco-system approach to resource management is an ecological manner of use of global resources. Federalism as a means of governance goes well with the eco-system management. Therefore space law should promote a life-style of people of the world based on federalism and ecological balance of eco-systems. Whereas space law has provided the unity of mankind for various resources like communications etc., it should help evolve a stable world order based on federal system and in conformity with the environmental needs. Thus, local safety and security of life of people anywhere in the world should be protected by monitoring of disasters and information systems regarding environments and security matters. The United Nations Charter is based on unity and diversity of global life. Modern space law and environmental law also help realise goals of UN Charter for security and economic well-being of

people of the world. We have, therefore, the space exploration and its impact on world society. We have the global environmental revolution when life-style on this planet is changed to adjust to the common needs of the people. And, thirdly, we have the emerging federal view of management of states and geographical areas so as to ensure the stability of the biosphere, harmony with nature and cultural harmony world over. Federalism teaches us unity in diversity of global life. It is in conformity with the creation of nature based on diversity with an overall unity of the global ecological system.

I have attempted to describe the above world order in some of my recent and previous publications.²

Summary

It is time to look upon space law with a new perspective so that it can combine with the needs of environmental law and the federal management of global life. Space law can promote unity in diversity of global life. It can help ecological stability by meeting the needs of environments. It can ensure working of global federalism and the elimination of all forms of terrorism by efficient monitoring and response. Space law can help achieve a stable and creative environmental order. It should be in harmony with the needs of federalism. Because an efficient federal means of governance can promote cultural diversity within the unified economic and social order in the world.

Footnotes:

1. See S. Bhatt, Legal Controls of Outer Space: Law, Freedom and Responsibility with a foreward by Prof. Quincy Wright, S. Chand and Company Ltd., New Delhi, 1973, pp. 372. See also, V.S. Mani, S. Bhatt, B. Reddy, Eds., Recent Trends in Space Law and Policy, Lancers Books, New Delhi, 1997, pp. 683.
2. See S. Bhatt and B.D. Nag Chaudhuri, The Global Environment Movement: A New Hope for Mankind, Sterling Publications, New Delhi, 1987; S. Bhatt, "The Role of Environmental Law for the World Order of 21st Century", International Conference on International Law in the New Millennium: Problems and Challenges Ahead, 4-7 October, 2001, organised by Indian Society of International Law, New Delhi, vol. III, pp. 31-39; S. Bhatt and Akhtar Majid, Eds., Environmental Management And Federalism: The Indian Experience, Uppal Publishing House, New Delhi, 2002, pp. 256.