

**PROPOSAL FOR A STANDARD CURRICULUM AND
A GENERAL COURSE ON SPACE LAW**

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ABSTRACT

The authors have made suggestions during previous IISL colloquia and the recent United Nations Workshop on Capacity Building in Space Law in The Hague concerning the creation of a standard course for space law. This is necessary in order to ensure that the professionals of space law, especially those in developing countries, are equipped with the same basic knowledge and to promote awareness in space law.

The proposal paper also discusses the contents of such a program, along with ideas for a "general course of space law" to be given once every several years within the framework of the International Institute of Space Law that will promote research and scholarship in the field.

INTRODUCTION

During the United Nations / International Institute of Air and Space Law Workshop on Capacity Building in Space Law held in the Netherlands in November 2002, one of the issues addressed by the Workshop was the need for greater inclusion of space

law in standard international legal studies in developing countries. It was with this objective in mind that the authors, independently of each other, came upon two separate but related proposals that they wish to bring to the attention of the International Institute of Space Law and its Colloquium on the Law of Outer Space.

STANDARD CURRICULUM

The first of these ideas is the formulation of a standard curriculum in space law that would set out in detail the topics and issues to be covered in the course. The intentions and objectives of this exercise were to provide some guidance to educators in countries with limited practice and experience in space law in planning a course in the discipline.

In doing so it is clear that a balance must be struck between three broad categories, or foci, of issues in space law. The first of these categories contain the fundamental principles of international law concerning space activities, including the status of astronauts, liability, non-appropriation and military uses of outer space. Although consideration of these broad principles may appear irrelevant to the priorities and

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goals of most developing countries as a result of their limited space capabilities in the short term, their roles as the protectors of space as the global commons and the enforcers of international obligations in space activities cannot be underestimated.

The second is the fluid and evolving practice of space law concerning private and commercial activities in outer space. The proliferation of such private and/or commercial activities, such as satellite telecommunications, remote sensing and direct television broadcasting have affected the ways of life in many developed and developing countries. Although a fine balancing act must be maintained, it should be recognised that most developing countries are likely to be consumers rather than providers of space-based services in the short to medium term and, accordingly, the focus of a standard curriculum on space law should be adjusted.

The third is the perceived increasing need for countries to adopt domestic legislation dealing with private space activities. Previously thought to be the exclusive province of spacefaring nations, it is a commonly observed trend that domestic laws dealing with private launches have found themselves placed on the legislative agenda of some developing countries. This is partly the result of the creation of a global and private launch industry in the previous decade as well as the use of "flags of convenience" for companies conducting launch activities or satellite operations, among other factors.

The proposed curriculum is as follows:

1. Introduction to Space Law

- 1.1. Historical background
- 1.2. Sources of Space Law: treaties, General Assembly resolutions and writings
- 1.3. Definitional issues: definitions of outer space,

celestial body and space objects

- 1.4. Role of the United Nations and other regional and intergovernmental organisations

2. Fundamental Principles

- 2.1. Delimitation between airspace and outer space
- 2.2. Freedom of access, use and principle of non-appropriation
- 2.3. Military uses
- 2.4. Space debris

3. Spacecrafts and Personnel

- 3.1. Definition of space objects
- 3.2. Registration of space objects and difficulties with transfers
- 3.3. Space stations
- 3.4. Status of crew and tourists
- 3.5. Control of space objects and jurisdiction onboard spacecrafts
- 3.6. Search, rescue and return of spacecrafts and personnel

4. Responsibility and Liability

- 4.1. Liability for space activities
- 4.2. Extension to private launch activities and their supervision
- 4.3. Procedure issues

5. Domestic Regulation

- 5.1. Domestic licensing and regulation of launch activities
- 5.2. Domestic licensing and regulation of satellite operations

- 5.3. Compulsory third party liability insurance for private operators
- 5.4. Liability between contractors and that of launch operators
- 6. Telecommunications**
 - 6.1. Role of the I.T.U. and associated legal instruments
 - 6.2. Regulation of radio frequencies and orbital slots on the geostationary orbit
 - 6.3. International commercial satellite organisations: Intelsat and Inmarsat
 - 6.4. Privatisation of telecommunication services
- 7. Commercial Satellites**
 - 7.1. Conceptual legal issues with remote sensing
 - 7.2. Collection and dissemination of remote sensing data
 - 7.3. Conceptual legal issues with direct television broadcasting
 - 7.4. Liability for errors in global navigation satellite systems
- 8. Commercial Legal Issues**
 - 8.1. International intellectual property rights for space-based inventions and discoveries
 - 8.2. Legal issues in the sale and transfer of satellites
 - 8.3. Export controls
 - 8.4. Asset-based financing based on security interests in spacecrafts

9. Future Legal Issues

- 9.1. Passenger transportation and liability to passengers
- 9.2. Space tourism and permanent human settlement
- 9.3. Exploitation of natural resources on celestial bodies

GENERAL COURSE

During the Workshop, it was proposed that a general course in space law be conducted by the International Institute of Space Law to promote education and awareness in space law issues throughout the international community. There are two aspects to this proposal: the first is the selection of a distinguished teacher of space law to provide a short course on the fundamental principles of space law (which may be conducted in accordance with the standard curriculum as proposed above), to be done once every five years.

It is suggested, in relation to this part of the proposal, that:

- the distinguished teacher or host institution for the delivery of this short course be selected by the Board of Directors of the International Institute of Space Law;
- the selection of dates for the short course are to be at the discretion of the selected teacher or host institution;
- the structure of the short course to be agreed between the teacher or host institution and the Institute;
- the cost of attendance at the course should be kept at a minimum and, where resources permit, subsidisation of costs should be considered in case of attendees from developing countries;
- attendance of the course to be open to all students, academics, practitioners,

staff of international organisations and government officials; and

- the course should be videotaped and copies to be translated or subtitled and available to governmental agencies or institutions of developing countries.

The second part of this proposal is the introduction of a “special lecture” on space law, similar to the general course on international law as organised by the Hague Academy of International Law. The idea is that the International Institute of Space Law, either on an annual or biannual basis, would select a distinguished scholar to deliver a lecture of half a day or a day’s duration on a specific topic or issue of space law, to be selected by the scholar with consultation of the Board of Directors of the Institute.

It is expected that such an exercise would allow for the detailed study of a special issue beyond the presentation of short papers at the Colloquium and, over time, provide future scholars of space law with an impressive collection of comprehensive treatises on space law principles and issues. This special lecture should be held in conjunction or adjacent to the annual Colloquium on the Law of Outer Space, with the lecture paper published as part of the proceedings of the Colloquium.

Notes

This paper is written in the personal capacity of the authors and does not necessarily represent the views of any organisations with which they are associated.

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