

Fourth Eilene M. Galloway Symposium on Critical Issues in Space Law
International Cooperation for Peaceful Purposes
Cosmos Club, Washington D.C.
December 10, 2009

Report by P.J. Blount

This symposium addressed Peaceful Purposes and Uses for Outer Space in three sessions. The first session considered the notion of peaceful purpose in practice in other legal areas (e.g., international law) and in intent (e.g., benefits derived, etc). The second session reviewed current examples of peaceful international cooperation and the third session focused on plans for future peaceful cooperation.

The first panel of the day was titled *Peaceful Purposes and Uses Considered* and consisted of the following presentations:

- Moderator: Prof. Joanne Irene Gabrynowicz
- Peaceful Purposes: A Norm in International Law?, P.J. Blount, Research Counsel, National Center for Remote Sensing, Air, and Space Law
- Redefining National Security and the Role of International Law to Secure Peaceful Uses of Outer Space, Dr. Colleen Driscoll, Director, The Kurtz Institute of Peacemaking, Visiting Professor, Quinnipiac University
- Economic and Societal Benefits of Peace in Space: Today and Tomorrow, Corinne Jorgenson, Pres., Advancing Space Consulting Group and Marcia Smith, Pres., Space and Technology Policy Group, LLC
- Equity and Transparency in the New "Province of Mankind", Dr. Valnora Leister, Brazil
- International Legal Regime for Security of Exploration and Use of Outer Space For Peaceful Purposes, Olga Stelmakh, Specialist, International Center for Space Law, Academy of Legal Sciences of Ukraine, Kyiv

This panel sought to evaluate the meaning of peaceful purposes through a variety of different

viewpoints. Blount sought to evaluate the term peaceful purposes in relation to outer space activities by examining the terms usage in other areas of international law such as nuclear technologies, biological and chemical weapons, Antarctica, the high seas, and the environment (presentation). Driscoll's presentation discussed national security and how a re-conceptualization of the term was crucial to ensuring the peaceful uses. She stated that international law should develop a comprehensive treaty based system in order to promote both national security and space security, and that it is in the best interest of every State to to keep space peaceful. Smith and Jorgensen's paper focused how society benefits from space activities. Specifically, it covered both economic and societal benefits in space activities. They concluded that the Outer Space Treaty had stood the test of time and that it was and important instrument in preserving outer space for humanity. The next presentation, by Valnora Leister, highlighted how equity and transparency in space activities are crucial in the peaceful uses of outer space. She put forth several strategies for advancing global participation in space activities, such as engaging civil society, working with emerging space powers, applying international environmental law standards, and applying new concepts of governments. Finally, Stelmakh's paper was presented by Jonathan Galloway as Stelmakh was unable to attend the symposium. Her paper also argued for a broader definition of national security. She argued for a new international organization for governing outer space, the realization of common security goals for nations in outer space, and a positive law regime with identifiable consequences.

The second panel of the day was entitled *Peaceful Purposes and Uses Applied* and included:

- Moderator: Ms. Tanja Masson-Zwaan

- The Role of International Cooperation in the Efficient Use of Radio Frequency Spectrum and Orbital Location Resources, Dr. Maria Buzdugan, Associate, Milbank, Tweed, Hadley & McCloy LLP, New York, NY
- Peaceful Purposes on the International Space Station: A European Perspective, Mr. André Farand, Head, Launchers and Exploration Legal Matters Office, European Space Agency
- Peaceful Purposes on the International Space Station: A NASA Perspective, Steven A. Mirmina, Lead Counsel, Space Operations Mission Directorate, Office of the General Counsel, National Aeronautics and Space Administration Headquarters, Washington, DC

Buzdugan's presentation focused on the legal regime governing communication satellites in geosynchronous orbit and the work of the International Telecommunications Union in this area. She highlighted how the regime worked as well as its deficiencies. She stated that International cooperation was crucial in making the regime work and that it was also crucial in solving shortcomings within the regime. Farand's presentation covered how peaceful purposes was important to the International Space Station. Specifically, he examined treaty provisions supported the use of the space station for peaceful purposes and how those provisions affected partners in the ISS. Finally, Mirmina covered how the United States views its uses of the ISS. He covered how the U.S. engages in utilization of the ISS and the legal issues that can arise out of this utilization that are not covered by the Inter-Governmental Agreement that sets up the ISS regime.

The final panel of the day was *Peaceful Purposes and Uses: Lessons Learned and Moving Forward* and included:

- Moderator: Ms. Tanja Masson-Zwaan
- Response of the U.N. Committee on the Peaceful Uses of Outer Space to the Issue of Near Earth Objects, and in Particular the Outcome of the Association of Space Explorers Expert Panel of Asteroid Threat Mitigation, Prof. Richard Crowther, Chair, UN Working Group on Near Earth Objects
- Ensuring Open Territorial Rights: Geopolitics and Experience in Antarctica

and Outer Space, Dr. Roger Launius, Senior Curator, Division of Space History National Air and Space Museum, Smithsonian Institution

- Peaceful Purposes and Chinese Law, Prof. Haifeng Zhao Dean, School of Law, Professor of Law, Harbin Institute of Technology

Crowther's presentation discussed the UNCOPUOS' response to the threat of Near Earth objects to the Earth. He stated that NEOs presented a unique problem in that they could be globally catastrophic, but that unlike other natural disasters they are predictable and there is an opportunity to intervene. He said that the Association of Space Explorers Expert panel produced a report that became a conference room paper in UNCOPUOS, which was currently being considered by the group. The next presentation, by Launius, gave a historical perspective on the Antarctic and Outer Space and the legal regimes that developed around them. He stated that these regimes were unique products of the Cold War, but that the regimes were becoming more fragile in the post-Cold War environment. He said that there was a genuine question as to what would happen if something of value were discovered in either of the areas. The final presentation of the day was made by Haifeng Zhao. He presented on China's views and interpretations of the concept of peaceful purposes. He stated that China, as a country, put a high priority on peace in general and on the peaceful purposes and uses of outer space. He also stated that China strongly supported measures to prevent the weaponization of outer space, and that a common international view was needed in preserving space for outer space.

Lastly, a *panel discussion*, moderated by Prof. Joanne Gabrynowicz, concluded another successful symposium in this series, organised by the National Center for Remote Sensing, Air and Space Law, University of Mississippi School of Law, the Journal of Space Law, and the International Institute of Space Law (IISL).