

FOREWORD

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This volume of the JOURNAL OF SPACE LAW includes a number of “firsts.” It contains one of the first published analyses of France’s first national space law. Prof. Lucien Rapp, in his article, *When France Puts Its Own Stamp on the Space Law Landscape: Comments on Law No. 2008-518 of 3 June 2008 Relative to Space Operations*, offers the reader an in-depth look at the law as well as the forces that led to it. France has been a leading spacefarer for decades but without a national space law. Prof. Rapp identifies marketing, privatization, and internationalization as specific movements that made it clear to the French State that the law was missing critical elements necessary to address important French interests, not the least of which were liability and jurisdiction. Prof. Rapp explains the procedure and substance involved in the new legislation.

Another first contained in this issue is the first published paper containing scholarship derived from the Andrew G. Haley Archive (Archive) at the University of Mississippi School of Law, National Center for Remote Sensing, Air, and Space Law (Center). The late Andrew G. Haley is widely considered to be the world’s first space law practitioner. When Haley died, his son donated a large component of Haley’s correspondence to the late Dr. Stephen Gorove, the founder of the JOURNAL OF SPACE LAW. These papers, along with those of Dr. Gorove, are now housed in the Center. Mr. Michael Dodge, assistant research counsel with the Center offers, *Sovereignty and the Delimitation of Airspace: A Philosophical and Historical Survey Supported by the Resources of the Andrew G. Haley Archive*. Mr. Dodge’s research

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was facilitated, in part, by his work of processing the Archive's contents for cataloging and preservation. That work, and a description of the Archive's content is the subject of a companion article, *The Andrew G. Haley Archive at the University of Mississippi School of Law, National Center for Remote Sensing, Air, and Space Law: an Introduction*. This was also authored by Mr. Dodge and was the subject of presentation made at the Third Eilene M. Galloway Symposium on Critical Issues in Space Law on December 11, 2008 in Washington, DC.

Continuing the theme of "firsts" contained in this issue is the *White Paper on the GEOSS Data Sharing Principles (White Paper)*. This is the collaborative, interdisciplinary product of a number of authors, who, as participants in the Group on Earth Observations (GEO), engaged in GEO Task DA-06-01 that specified, "Invite experts to identify steps required to further the practical application of the agreed GEOSS data sharing principles. This Task will be coordinated with the Capacity Building Committee to ensure data access for Capacity Building."² To assure a wide distribution of the paper, the authors have agreed to another first for the JOURNAL OF SPACE LAW, and that is to issue a Creative Commons license that will allow anyone else to also publish the paper, as long they give proper attribution. The *White Paper* is also in being published in *CODATA Data Science Journal*.

First-time JOURNAL OF SPACE LAW authors Bhatt, Egan, Hurtak, Rey, and Sundahl provide a wide array of commentary and articles addressing important space law topics. In *Inspiration to Humankind from Space Law and Science in India*, Dr. Saligram Bhatt reminds the reader that, often philosophy is an important component of the law. Co-authors Dr. Matthew Jude Egan and Dr. James Hurtak propose and apply an "openness principle" to space exploration agreements in their article, *The Openness Principle in Multilateral Agreements for Space Exploration*. In his article, *Regulatory Challenges, Antitrust Hurdles, Intellectual Property Incentives, and the Collective Development of Aerospace Vehicle-Enabling Technologies and Standards:*

² GEO 2007 Work Plan, *Data Management Task* DA-06-01, <http://www.earthobservations.org/documents/dsp/DA-06-01.pdf> (last visited May 11, 2009).

Creating an Industry Foundation, Dr. René Joseph Rey examines the commercial space transportation aspects of the “New Space” industry and the relationship between the industry’s need to produce systems that will have to function within an international regulatory framework and the requirement of the vehicles to possess the robust structures and subsystems necessary for safe, reliable operations. Prof. Mark J. Sundahl also addresses the relationship between space transportation and international regulation and specifically analyzes the duty to rescue tourists travelling on private spacecraft under the Vienna Convention on the Law of Treaties³ as well as Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies⁴ and the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.⁵

Finally—and definitely not a first—the JOURNAL OF SPACE LAW’S regular bibliography, *Aviation and Space Law: Relevant Publications*, brings the reader a wide array of new and developing law from around the world.

³ Vienna Convention on the Law of Treaties, May 23, 1969, 1155 U.N.T.S. 331.

⁴ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, *opened for signature* Jan. 27, 1967, 18 U.S.T. 2410, 610 U.N.T.S. 205.

⁵ Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, *opened for signature* Apr. 22, 1968, 19 U.S.T. 7570, 672 U.N.T.S. 119.