



International Cooperation/Competition - Why, How, When? A Legal Perspective

Presented

by

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to

"Stepping Stones to the Future of Space"

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Main Points



- **Space technology catalyzes law and/or legal responses**
 - Law making is both a competitive and cooperative process
- **Every phase of the exploration vision has a major legal component**
- **Legal issues raised at this workshop**
- **Competition, cooperation or integration?**
- **Some things to think about**





Space Technology Catalyzes Law and/or Legal Responses

- *Sputnik*: UNCOPUOS and 4 major treaties
- *Cosmos 954* : UN Principles on Nuclear Power Sources
- *Landsat*: UN Principles on Remote Sensing
- **Trend: social conditions are also catalyzing legal responses**
 - **Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries**



Exploration Vision Legal Components

- ***Shuttle* termination**
 - Contracts and procurement
- ***ISS* termination**
 - IGA, MOUs, letters of agreement
 - Evolutionary nature
 - Rights and obligations beyond termination
- **Permanent Lunar Base**
 - Property rights, territory vs. resources, military use
- **Mars mission**
 - Environment, NPS, informed consent



Legal Issues Raised in this Workshop



- **"Space based engagement" and "space mission denial"**
 - Potential treaty violations
- **"Access is key"**
 - Non-exclusive right of all nations
 - Foundation of treaty regime
- **"Prometheus"**
 - NPS Principles, Nuclear Test Ban Treaty



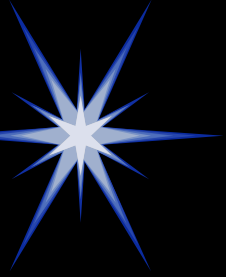


Legal Issues Raised in this Workshop



- **"Moon as test bed"**
 - **Extremely controversial**
 - "exploration" "use"
 - "peaceful purposes"
 - Property rights
 - Moon Treaty negotiator
- **"Building blocks"**
 - Project 2001's legal "building blocks"





Competition, Cooperation or Integration?



Competition

Cooperation

Integration?



Sputnik
Apollo

Apollo - Soyuz
ISS

NPOESS/IJPS/JPS
GMES
Galileo
IGOS
Disaster Charter/GEO



Some Things to Think About



- **UN COPUOS Legal Subcommittee**
 - Comprehensive treaty or existing treaties?
- **Perceptions/realities of space activities**
 - Imperialistic, militaristic
 - Increasing "blur" between military and civil
 - Increasing divide between "haves" and "have nots"
- **New generation of space law**
 - *Nigeriasat 1, ShengZhou-5*
 - UN space law capacity building

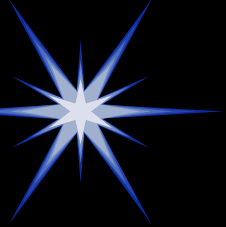


Some Things to Think About



- **International law and court of public opinion**
- **Perception: international law apparently unenforceable but...**
 - **International Court of Justice and Israeli wall**
 - **Sec. Powell and satellite images**
 - **Liberia, Khadafy, elimination of nuclear weapons**
 - **Post Iraq war participation of UN**
- **Critical issues: transparency and equity**
- **Dr. Neil Armstrong's opening comments on language**
 - **Also true for science and law**
 - **"settlement" not "colonization"**





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**Questions?
Comments?**

