

# The Interaction of International Space Cooperation and National Space Policy and Law

Thematic Session 2: Current space exploration and innovation cooperation mechanisms and potential future ones

**United Nations/Jordan Workshop: Global Partnership in Space Exploration and Innovation**

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**Irmgard Marboe, University of Vienna**

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# Outline

- Existing international mechanisms for cooperation
- Importance of national space law and policy
- Importance of national space agencies

# Existing international mechanisms for cooperation

- Review of international mechanisms for cooperation in the peaceful exploration and use of outer space
- Working Group of the UNCOPUOS Legal Subcommittee 2013-2017
- Report presented in April 2017
  - UN Doc. A/AC.105/C.2/112 of 13 April 2017

## Areas of cooperation

- Earth science, space science, basic space research and scientific experiments;
- Space exploration, exploration into deep space and human space exploration;
- Earth observation and remote sensing;
- Telecommunication; Satellite navigation;
- Data exchanges and their terrestrial application;
- Space debris mitigation;
- Launches of foreign payloads on a contractual basis;
- Export and import of satellites, other space equipment, and ground-based facilities;
- Transparency and confidence-building measures in outer space activities;
- Assistance to developing countries to obtain space assets including supplying satellites and launch services, constructing ground facilities and providing personnel training.

# Actors and forums of cooperation

- United Nations, UNCOPUOS and Subcommittees
- International intergovernmental organisations and NGOs
- Commercial and private actors
- Various Programmes
  - Launch and in-orbit delivery of satellites
  - Satellite-based data distribution
  - Space applications
  - Experiments
  - Exploration of space both in unmanned and manned programmes

# Modes of international cooperation

- International agreements
  - International treaties, implementing agreements, memorandums of understanding and exchanges of letters
- Non-legally binding multilateral cooperation mechanisms
- Multilateral coordination mechanisms
  - Inter-Agency Space Debris Coordination Committee
  - Charter on Cooperation to Achieve the Coordinated Use of Space Facilities in the Event of Natural or Technological Disasters (International Charter on Space and Major Disasters),
  - International Space Exploration Forum
  - Group on Earth Observations, Committee on Earth Observation Satellites
  - International Committee on Global Navigation Satellite Systems

# Regional cooperation mechanisms

- Regional organisations
  - ESA
  - APSCO
- Regional platforms
  - APRSAF
  - African Leadership Conference on Space Science and Technology for Sustainable Development
  - Space Conference of the Americas
- UN Regional Centres for Space Science and Technology Education
  - India (1995), Morocco (1998), Nigeria (1998), Mexico and Brazil (2003), Jordan (2012), China (2014)

## Bilateral cooperation mechanisms

- Preamble
- Purpose and scope of cooperation
- Actors involved
- Applicable law (UN space treaties; national law)
- Implementation arrangements/agreements; financial arrangements
- Customs duties and taxes
- Exchange of personnel
- Transfer of goods and technical data
- Cross-waiver of liability
- Protection of intellectual property rights
- Settlement of disputes and other final clauses



# Importance of national space law and policy

- General exchange of information on national legislation relevant to the peaceful exploration and use of outer space
- Working Group of the UNCOPUOS Legal Subcommittee 2008-2012
- Report presented in April 2012
  - UN Doc. A/AC.105/C.2/101 of 3 April 2012
- UN General Assembly Resolution 68/74 of 11 December 2013

# Elements of national space legislation

- Scope of application
  - Definition of “space activity”
- National jurisdiction
  - Territorial and/or personal jurisdiction
- Authorization
  - Designation of an authority
  - Conditions and procedures set out clearly
- Continuing supervision
- Registration
  - National registry and international registration at UN
- Liability, right of recourse, insurance
- Transfer of ownership or control of space objects in orbit

# Importance of national space agencies

- Marboe, Aoki & Brisibe (2015), The 2013 Resolution on Recommendations on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, in: Hobe, Schmidt-Tedd & Schrogl (eds.), Cologne Commentary on Space Law, Volume III (483-603; 514-517)
- A Roadmap for Emerging Space States, ISU Study 2017, see 5.1.5. Space Sector Architecture
- ESPI, Space Venture Europe 2018 – Entrepreneurship and Private Investment in the European Space Sector, Report 67, February 2019
- Petroni, Venturini, Verbano, Cantarello, Discovering the basic strategic orientation of big space agencies, Space Policy, Volume 25, Issue 1, February 2009, 45-62
- Martinez, Is there a need for an African space agency? Space Policy, Volume 28, Issue 3, August 2012, 142-145

## Thank you for your attention

Prof. Dr. Irmgard Marboe

University of Vienna - Faculty of Law

Section for Public International Law and International Relations

ECSL National Point of Contact for Space Law Austria

E-Mail: [irmgard.marboe@univie.ac.at](mailto:irmgard.marboe@univie.ac.at)

Website: [www.spacelaw.at](http://www.spacelaw.at)