



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS



Megha Middha

Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

A BRIEF OVERSIGHT OF ORGANISATIONS DEALING IN SPACE GOVERNANCE

AUTHORED BY :- MS. SANTOSH .J. DADHICH

Class- L.L.M 1st YEAR

SEMESTER 2

Roll No. 11

PROGRESSIVE EDUCATION SOCIETY'S MODERN LAW COLLEGE, PUNE

ABSTRACT

The author of this paper has made an effort to discuss about the basic concepts like space law, outer space, global governance, the origin and development of space law. It is an integral aspect and branch of the public international law. This proposition has been accepted and declared in the United Nations Charter and several other principles of international law dealing with space and outer space.

The author has discussed about Regional and National agencies, International and Intergovernmental agencies and has precisely explained the domain and working of each agency. The author has made an in depth discussion about UNOPUOS, as it was the first intergovernmental agency laying foundation for further development of other agencies and organisations dealing with matters related to space and outer space. Many principles that form an integral part of the international principles in space exploration, were devised, interpreted in the conferences conducted on the inception of this Committee.

The space law is drafted with the basic aim of promoting peaceful activities related to space along with conducting researches that benefit the mankind in totality.

Keywords- Space law, Space exploration, International organisations and agencies, UNOPUS, international principles

I. INTRODUCTION

‘Space law’ is a term that includes various interpretations. It is a special branch of general international law. In a narrow sense, it might be interpreted as a set of legal rules which specifically deal with outer space as an area along with the comprehensive set of activities which can be undertaken by humans with respect to that area. According to this perspective, space law essentially deals with both international customary law and national space related legislation which are a result of treaties and resolutions as entered upon by States and other subjects of the international law.

In a broader sense, space law may be interpreted as encompassing ‘all legal rules directly relevant for any one or more kinds of human activities involving outer space.’ This is a comprehensive and a holistic approach of understanding the concept of space law.

Space law is a special sub-area within the wider area of public international law in general. Under fundamental principles of international law as well as Article 38 (1) of the Statute of international Court of Justice, public international law is predominantly created by States. The set of complex rules, mutual rights and obligations forming public international law, is primarily either derived from treaties that are established, signed and ratified by various States or from customary law. Customary law is the behaviour of states and state authorities as per the certain identifiable patterns in certain related events or situations.

Other sources of international law include the principle of Jus Cogens, general principles of law, jurisprudential precedent and authoritative doctrines¹.

The outer space, often referred to as space, consists of relatively empty regions of the universe outside the atmosphere of celestial bodies. Outer space helps in distinguishing it from airspace and terrestrial locations. As the altitude increases, density of the atmosphere gradually decreases, thereby leaving no clear demarcation boundary between the atmosphere of the Earth and space. The term outer space was recorded for the first time by H.C. Wells in his novel First Men in the Moon in 1901. The shorter term space is older and earlier was referred to the region beyond Earth’s sky as mentioned in John Milton’s Paradise Lost in 1667². The outer space is the closest natural approximation of a perfect vacuum, effectively having no friction, thereby allowing stars, planets and moon to move freely along ideal gravitational trajectories.

Global governance refers to the complex of institutions, relationships, mechanisms between and

¹ Frans Von der Dunk, *International Organisations as Creators of Space Law: A Few General Remarks*, Space, Cyber and Telecommunications Law Program Faculty Publications, University of Nebraska- Lincoln (1999)

² *Outer Space- New World Encyclopedia*, available at

https://www.newworldencyclopedia.org/entry/Outer_space#cite_note-entymonline-1 , last visited on 17/01/24

among states, non state actors, citizens and organisations that enable in articulating collective interests on the global plane, establishing rights and obligations as well as mediation in differences³.

II.MEANING OF SPACE GOVERNANCE AND SOURCES

Global governance is a purposeful order emerging from institutions, norms, processes, formal agreements and informal mechanisms regulating action for a common good. It encompasses activities at international, transnational and regional levels along with referring to activities in the public and private sectors that transcend national boundaries. Methods of global governance include harmonization of laws among subjects of international law, global policy issue networks, international regimes, hybrid institutions that amalgamate functions of state agencies and private sector organisations⁴.

The regulatory framework for space activities is made up of treaties, international space resolutions, principles of international law, rules of organisations and national governments.

Under Article III of the Outer Space Treaty (OST), the parties to the Treaty are mandated to perform activities in the exploration and use of outer space inclusive of Moon and other celestial bodies, in accordance with international law along with the Charter of the United Nations.

At the national level, the legal instruments that are adopted under their constitutions are referred to for governing the space activities. Thus, the integration and compatibility between international and national space rules is an integral aspect of overall working and applicability of international rules into the outer space. The municipal and international instruments are legislated together in aspects of core principles and objects but each instrument has its significant impact into the outer space law⁵.

Some important source of the space law include-

i.Space Treaties

The adoption of first international instrument incorporating directives for regulation of space activities was the Declaration of Legal Principles Governing the Activities of Space in

³K. Benedict, *Global governance*, available at <https://www.sciencedirect.com/topics/social-sciences/global-governance> ,last visited on 17/01/24

⁵ Deepa Kansara, *Space Law< Public International Law*, available at https://www.researchgate.net/publication/361988424_Space_Law_Public_International_Law , last visited on 17/01/24

Exploration and Use of the Outer Space in 1963. The adoption was followed by five treaties that are referred as ‘ heart of international space law.’ the five treaties are inclusive in nature comprising

- a) Outer Space Treaty, 1967(OST)
- b) The Moon Agreement- governing activities of States on the Moon and the other celestial bodies, 1979
- c) The Rescue Agreement, 1968
- d) The Liability Convention, 1972
- e) The Registration Convention, 1975

ii.Non Binding Rules

Though these are voluntary in nature, they have a considerable impact upon the development of outer space law. These may become a part of establishment of customary rules of international law or a part of international negotiations upon formation or implementation of treaties.

iii.National Laws

The legislative and policy instruments of the states form an important source for regulating outer space activities. According to Lyall and Larsen, a major part of practical space law develops within various municipal legal systems of the world, specifically those states that are active in space. By enacting national laws, States fulfil their objectives and obligations that are assigned to them based upon the treaties they become signatories to, thereby fulfilling the responsibility of compliance and adoption of rules of international space law, upon the State.

iv.Principles of the United Nations

The United Nations declared and adopted several principles in relation to the outer space in the 2022. It recognised the common interests of mankind as the exploration would progress along with the use of outer space for peaceful purposes. Certain principles adopted include

- a) Exploration and use of outer space shall be for benefit and interests of all mankind.
- b) Outer space and celestial bodies can be explored by all States, in accordance with international law, Charter of UN, international peace and security along with international cooperation and understanding.

- c) Outer space and celestial bodies are not subject to national appropriation, and many other principles⁶.

III. INTERNATIONAL AND INTERGOVERNMENTAL ORGANISATIONS IN SPACE GOVERNANCE

While few countries have formal domestic laws dealing with outer space and space related activities, majority of the countries have adopted existing international treaties on outer space activities, mainly through international organisations like the United Nations, International Telecommunication Union, and other such organisations. By their nature, space activities cannot be subjected to sovereignty of States, mandating the main legal regulations must have their origin in an international consensus⁷.

The initial space explorations occurred in the cold war era for nearly two decades thereby was intensely dominated rivalry between the United States and the Soviet Union. The greater degree of international cooperation and emergence of private sector actors are the dominant characteristics of the modern day space exploration. The emergence and growth of space exploration laid foundation to the establishment of many international, intergovernmental and regional space agencies across the globe, thereby widening the scope of space law. It is through these organisations that virtually every nation is now involved in some way in the creation of international space law.

- i. United Nations Committee on the Peaceful Uses of Outer Space (COPUOS)

It was established by the UN General Assembly in 1958, immediately after the Soviet Union launched Sputnik, i.e the first artificial earth satellite. COPUOS was instrumental in drafting the five treaties that establish the foundations for legislations into space law. It provides a global platform for establishing and promoting international cooperation in space exploration, development and advancements into the space technologies, addressing the problem of near-Earth asteroids and other potential threats from outer space.

- ii. United Nations Office for Outer Space Affairs (UNOOSA)

UNOOSA is the secretariat for the UN Committee on Peaceful Uses of Outer Space. Its composition includes civil servants who are responsible for conducting the day-to-day operations

⁶ *United Nations Treaties and Principles on Outer Space*, United Nations, New York (2022)

⁷ Joseph Bosco, *International Law Regarding Outer space- An Overview*, Journal of Air Law and Commerce, Volume 55 Issue 3 (1990)

along with maintaining the record of the Committee. It deals with international cooperation in peaceful uses of outer space, monitoring and discussing developments relating to exploration and use of outer space as well as the technical advancements in space exploration, geopolitical changes and the evolving use of space science along with technology for sustainable development⁸.

iii. International Telecommunications Union (ITU)

It is the specialised agency of UN facilitating international cooperation in the development and operation of telecommunications networks. The ITU's Space Service Department allocates the geostationary orbits that are used by telecommunication satellites and radio frequencies that are utilised for satellite broadcasting. ITU though operates under the UN, it is a separate legal entity having its own membership and funding.

➤ Non- Governmental Organisations-

i. Centre for Research in Air and Space Law

It is the principle research and educational outreach wing of the Institute for Air and Space Law at McGill University, Canada. It conducts interdisciplinary research on air and space law and policy, sponsors conferences, workshops, seminars and webinars.

ii. European Centre for Space Law

It was established in 1989 by the European Space Agency, provides a platform for interdisciplinary dialogue and exchange of ideas in aspect of space law among legal practitioners, civil servants, scholars and students.

iii. London Institute of Space Policy and Law

It is a non-profit think tank conducting independent research upon topics and aspects related to space law and policy as well as research commissioned by governments and private entities.

iv. Secure World Foundation

It is a private foundation established in 2002, facilitating cooperation at both international and national levels in development of sustainable space policies and laws that govern the exploration

⁸ United Nations Office of Outer Space Affairs, available at <https://www.unoosa.org/oosa/en/ourwork/index.html>, last visited on 18/01/24

and use of outer space⁹.

➤ National and Regional Space Agencies¹⁰-

i. Brazilian Space Agency (AEB)

It is situated in Portugal. The most advance space program of Latin America is of Brazil and is inclusive of a rocket launch facility and a spaceport.

ii. China National Space Administration (CNSA)

CNSA is the space agency of China headquartered in Beijing. China initiated its own human space program in 1992 and CNSA was formed in 1993. It has emerged as a strong contributor in space exploration in both lunar landing an human spaceflight capacity.

iii. European Space Agency (ESA)

It was established in 1975 with the aim of facilitating cooperation among European states in space research and exploration.22 member states of the European Union are its member states. Its main activities include exploration to other planets, human spaceflight, earth observation and others.

iv. Indian Space Research Organisation (ISRO)

The space research activities were initiated in India during the early decade of 1960. ISRO was established in 1969. The Indian space program has three distinct elements including satellites for communication and remote sensing, space transportation system and application programmes¹¹.

v. National Aeronautics and Space Administration (NASA)

It was established in 1958 as an independent agency of the U.S. federal government. It carries out aeronautical and space research along with making significant developments into the U.S. civilian program. Since inception, it has pushed boundaries of scientific and technical limits for exploring the unknown for all citizens of the planet. ¹²

⁹ Georgetown Law Library, *Space Law: The Law of Outer Space*, available at <https://guides.ll.georgetown.edu/c.php?g=1037047&p=7518562> , last visited on 18/01/24

¹⁰ World Space Agencies Webpage, available at <https://www.unoosa.org/oosa/en/ourwork/space-agencies.html> ,last visited on 18/0/24

¹¹Genesis, ISRO Timeline, available at <https://www.isro.gov.in/genesis.html> ,last visited on 18/01/24

¹² *NASA History*, available at <https://www.nasa.gov/history/>, last visited on 18/01/24

vi. Russian Federal Space Agency (Roscosmos)

It stands as the successor of the space program of the former Soviet Union, founded in 1992, headquartered at Moscow. It is responsible for space science program of Russia and aero-space research¹³.

IV. ORIGIN, COMPOSITION AND CONTRIBUTIONS OF COPUOS

The immediate period after the launch of Russian satellite, a number of NGOs realised the need of specifically designed legal norms for space. The UN also considered the necessity of the legal framework, thereby established COPUOUS.

The United Nations Committee on Peaceful Uses of Outer Space (COPUOS) was constituted on December 13, 1958 as an adhoc intergovernmental committee by the UN General Assembly, immediately after the first artificial satellite named Sputnik was launched in 1957. In the 1961 meeting, the General Assembly unanimously adopted the first proposal from the committee, 'International Cooperation in the Peaceful Uses of Outer Space.' It was the first formal expression by an intergovernmental organisation, declaring the application of international law including the UN Charter, upon the outer space¹⁴. It emphasized upon the peaceful exploration of the space, thereby encouraging the expansion of research into outer space and exploring related legal problems independently¹⁵.

India was among the 18 founding members of the Committee.

The United Nations considered providing a focal point for international cooperation for peaceful exploration and use of outer space, requested the Committee to cooperate and utilise the resources and functions of the Secretariat for maintaining close relations with governmental and non-governmental organisations that deal with or are related to outer space matters, for exchange of information in the concerned aspects.

The current membership of COPUOS is 95 members, making it one of the largest committee of the UN.

➤ Composition of the Committee-

The Committee has a plenary committee which meets annually in Vienna. It has two subcommittees, namely- The Scientific and Technical Subcommittee (STSC) and The Legal

¹³ *Space Agencies in the World*, available at <https://ebooks.inflibnet.ac.in/esp06/chapter/space-agencies-in-world/>, last visited on 18/01/24

¹⁴ Jeffrey Prevost, *Law of Outer Space- Summarised*, Cleveland State Law Review, Volume 19 Issue 3 (1970)

¹⁵ UNGA Res. 1802 (XVII) 1962; UNGA Res. 1963 (XVIII) 1963

Committee.

The Committee and its subcommittees meet once a year for consideration of the questions presented by the UN General Assembly, reports submitted by them and to resolve the issues raised by the Member States.

The Committee and its subcommittees work upon consensus amongst them, recommendations to the General Assembly and publishing annual reports upon their activities.

➤ Office of Outer Space Affairs-

The secretariat of COPUOS is provided by United Nations Office for Outer Space Affairs (UNOOSA), is a part of the UN Secretariat General.

It comprises of two divisions- Space Applications Sections, i.e a division in charge of application of space technology in the practical sense.

Committee Services and Research Section, i.e it is responsible for international cooperation and the activities performed by the Committee.

➤ India and UNCOPUOS-

India is a founding member of UNCOPUOS, having significant contributions in its work.

Dr. Vikram K Sarabhai, father of Indian space programme, was the Vice-President and Scientific Chairman of the first United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE-1) in 1968. Many Indian scientists have led other conferences in outer space.

In 2021, India was unanimously elected as the Chair for new Working Group on the Long-term Sustainability of Outer Space.

There is evident proactive participation of the Indian delegation in forms of technical presentations, highlighting the progress of Indian space activities, proposing ideas and topics for discussion and policy formulations, considering interests of India and other developing countries.

India also makes continuous efforts upon capacity building through UN Centre for Space Science and Technology Education in Asia and Pacific along with Indian Institute of Remote Sensing¹⁶.

V. CONCLUSION

International laws regarding outer space and space related activities are recognised throughout

¹⁶ UNCOPUOS, available at

<https://eoportal.org/eoportal/MyPrint.php?8872?001/0029#:~:text=The%20United%20Nations%20Committee%20on,18%20founding%20members%20including%20India.>, last visited on 18/01/24

the world by majority of the nations through international organisations like UN and its General Assembly, COPUOUS and others.

Space laws deal with broad principles that attain wide acceptance and recognition, further form the framework upon which international interpretations and clarifications evolve, sufficing the need and requirement of the matter under consideration.

Thus, space law is the next legal frontier on both the international and national level. The laws pertaining to outer space and space activities must keep up with the rapidly expanding technology in this broad area.

VI.SUGGESTIONS

- A strong need is being felt for legislating regulations for governing the space environment with a view of preventing further harmful pollution by debris and radioactive substances.
- The developed nations shall encourage and aid the developing nations by providing them technology and any other essential requirement so as to support them in carrying space explorations, the effective sharing of the collected data with a view of providing assistance in any national aspects.
- Legislating modern international principles and regulations to promote space sustainability along with exploration and preservation of space and practise its effective implementation.