

SPACE LAW AND POLICY
WITH SIMULATED NEGOTIATIONS
[1]

OVERVIEW OF THE COURSE
+ HOW TO RESEARCH

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LECTURER: YURI TAKAYA

Academic Background		Job Experience
Waseda University, Japan (B.A.)	1997	
	1998	Shimiz Corp. Space Systems Division (Press/Research)
Leiden University, The Netherlands Institute of Air and Space Law (LL.M.)	2000	
Internship at UN Office for Outer Space Affairs	2001	
	2002	ISAS (Present JAXA) (Temporal Staff)
Summer Session of Int'l Space University	2002	
Paris XI University, France Institute for Telecomand Space Law (Ph.D)	2003	Research for CSP Japan (Space Consulting Corp.)
	2011	Kobe University, Lecturer & Research Fellow

George Washington University, US
National Defense University, South Korea

SPACE NEWS

Videos related to International Space Station

Japan's Kounotori (2015/8)

<https://www.youtube.com/watch?v=bAWo0HjUyOc>

April 8

US Private Company Space-X

Falcon 9 succeeded its landing

<https://www.youtube.com/watch?v=RPGUQySBikQ>

GOAL 1

”To learn how to learn by yourself“

- | | |
|--------------------|---|
| ◆ Research | Identify exact source of information when you face a new topic |
| ◆ Analysis | Keep a good balance in interpreting the information for your theme |
| ◆ Theory Structure | Pick up appropriate materials and place them in good order |
| ◆ Presentation | Pay attention to color, design, and font for audience to understand |

GOAL 2

”To learn how to negotiate in English“

- | | |
|----------------|--|
| ◆Pronunciation | Use English heard/understood in international venue/conference |
| ◆Speed | Adjust your speed of speaking English to non-English speakers |
| ◆Expression | Clarity |
| ◆Perspective | Identify how to be understood by the others |

TIME SCHEDULE

《15:10~16:40》

- | | |
|---------------|------------------------|
| 15:10 ~ 15:20 | This week's space news |
| 15:20 ~ 16:00 | Lecture (40 min) |
| 16:00 ~ 16:20 | Group discussion |
| 16:20 ~ 16:40 | Group presentation |

OTHERS

- ◆ You can use your laptop during this lecture.
- ◆ Please submit the sheet of attendance with question or comments.
- ◆ HP: spacelawnotebook.com

「Courses」

Q&S: Question and Comments are welcome. Answer would be on the website.

If you do not want to upload your Q or C, please put it on the sheet.

Materials: If password is required, put 「spacelaw」.

- ◆ JAXA Sponsorship for IAC/IISL Participation (Deadline: April 27)

EVOLUTION OF SPACE LAW

1. INTRODUCTION

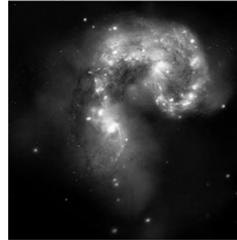
① WHAT ARE SPACE ACTIVITIES?

◆ 3 Categories

- Civil Uses (example: Apollo, Hayabusa)
- Commercial Uses (example: space tourism)
- Military Uses (example: information gathering)

◆ Nature of Space Technology

“Dual Use” which is usable for
civil and military purposes



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1. INTRODUCTION

② THE RIGHTS UNDER THE OUTER SPACE TREATY OF 1967

◆ Free Use of Outer Space

(example) The use of satellites for: earth observation
astronomy
telecommunication
navigation



◆ Free Exploration of Outer Space

(example) US Apollo Projects
Japan Hayabusa
US/EU Mars Exploration

◆ Free Access to Outer Space

(example) Launching activities
(manned/unmanned)



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2. INTERNATIONAL SPACE LAW?

① BACKGROUND: EVOLUTION OF AIR LAW

1902 International Law Association in Brussel

The need to regulate Balloon Flight was recognized

1903 Wright brothers succeeded a flight of powered aircraft

1909 Loise Blériot succeeded to cross the English Channel

1910 International Air Navigation Conference was held in Paris (18 states)

→ Legal relations between air space and outer space was not agreed

1919 The Paris Convention was concluded → Air sovereignty was recognized.

2. INTERNATIONAL SPACE LAW

② BACKGROUND: THE BIRTH OF V2 MISSILE

◆ During IIWW, Germany developed and used V2 missiles (rockets)

→ Inter-Continental Ballistic Missiles (ICBMs)

→ more than 1300 ICMBs attacked London

◆ Technology Transfer after IIWW: to US and USSR

→ Cold War started with an arms race in outer space

◆ Space Competition by Super-Powers

1957-1958 International Geographical Year

1957 Soviet Union succeeded to launch the first satellite, "SPUTNIK-1"

1958 Ad hoc Committee on the Peaceful Uses of Outer Space was established in UN

1961 Soviet Union succeed to send a man (Yuri Gagarin) by Vostok-1

⇒ Legal order became necessary in outer space

2. INTERNATIONAL SPACE LAW

③ ESTABLISHMENT OF UNCOPUOS

- ◆ 1959 UN Committee on the Peaceful Uses of Outer Space was established (× ad hoc)
- ◆ Schedule
 - Feb. Scientific and Technological Sub-Committee
 - April Legal Sub-Committee
 - June UNCOPUOS
 - Oct./Nov. Submit the UNCOPUOS report to the 4th Committee of UN General Assembly

UNGA Res. "International cooperation in peaceful uses of outer space"
- ◆ 77 member states + 30 international organizations
- ◆ Consensus Principle
- ◆ Issues to consider: Issues related to peaceful uses of outer space
 - (UNCOPUOS cannot deal with the issues related to military uses of outer space)
 - Conference on Disarmament (non-UN organization)

2. INTERNATIONAL SPACE LAW

④ SOURCES

- ◆ Treaties:
 - 1967 The Outer Space Treaty
 - 1968 The Rescue Agreement
 - 1972 The Liability Convention
 - 1975 The Registration Convention
 - 1979 The Moon Agreement
- ◆ Principles:
 - 1963 The Declaration of Legal Principles
 - 1982 The Direct Broadcasting Principles
 - 1986 The Remote Sensing Principles
 - 1992 The Nuclear Power Sources Principles
 - 1996 The Space Benefit Declaration

3. WHAT IS SPACE POLICY?

- ◆ National policy (= direction) concerning outer space activities

- ◆ Functions: (example)
 - Fostering international cooperation
 - Facilitate making national space law
 - Enhancing transparency in outer space activities
 - that serves for confidence-building
 - Creating space industry

HOW TO RESEARCH SPACE LAW AND POLICY

SOURCE OF INFORMATION

① BOOKS

② Journals

③ Websites of:

UN Office for Outer Space Affairs (or other International Organization)

National space agencies or related departments

NGO Example: Congressional Research Service

Arms Control Association

WHAT ELEMENTS NEED TO BE CONSIDERED?

In order to obtain an overview (identify benefits and problems)
of a state's space activity, the following elements need to be considered:

- ① National space policy → Purpose in outer space activities
(check also a goal of National Strategy)
- ② National space law → Legal instruments to achieve the goal (means)
- ③ Relevant departments/agencies → Their goals and roles
- ④ Space programs (Civil / Commercial / Military) → Which is prioritized?
- ⑤ Budgets → increasing ? decreasing ?
- ⑥ Partners for space cooperation → Which state?

NEXT WEEK'S THEME FOR SIMULATED NEGOTIATIONS

“What are benefits and problems
if ALL states carry out outer space activities?”

- ① Please choose Group A (Advanced States) and Group B (Developing States)
- ② You need to consider the followings:
 - Space technology is dual-use.
 - While the number of UN member states is 193 states,
only 9 states possess full space launching capabilities.
(US, Russia, EU, Japan, China, India, Ukraine, Israel, Iran)
- ③ Please decide group leaders.

END