

**2<sup>nd</sup> Manfred Lachs International Conference  
on Global Space Governance, 29 - 31,  
Montreal, Canada**

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**Plenary session 3: Global governance in  
international law**

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- Some Defining Elements of Global Space Governance
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# Some Defining Elements of Global Space Governance

- Compliance with International Law
- Peaceful Purposes
- International Co-operation
- Sovereignty and Non - Appropriation

# Conceptual Peculiarities

- The 1979 Moon Agreement - Principle on Common Heritage of Mankind
- Liability for Damage
  - Protocol on Environmental Protection to the Antarctic Treaty
- Protection of the Environment
  - 1992, Rio Declaration on Environment & Development
  - Jurisprudence of the International Court of Justice

# Concluding Remarks

- Ethics and Law influenced by conflict between urgency to stop deterioration of the environment and necessity to take into account economic and social costs
- Sources of International Law are not hierarchical and States have complete freedom how they fulfil their international obligations
- What law making tools and mechanisms should be used to govern and facilitate outer space activities?
- Can international legal imperatives be brought into effect more efficiently?

# Recommendations

- **Strengthen Institutions** - Enhance the role of COPUOS established in 1959 ( UNGA Resolution 1472 (XIV)) to review the scope of **international cooperation** in peaceful uses of outer space, to devise programmes in this field to be undertaken under United Nations auspices, to encourage continued research and the dissemination of information on outer space matters, and to study legal problems arising from the exploration of outer space
- Promote adherence to and compliance with **UN Outer Space treaties**, (including their interpretation and application) and other non-legally binding instruments such as **Declarations, Principles, Resolutions, Guidelines and Frameworks**
- Implement Harmonized **National Policies, Laws, and Regulations**
- **Regulatory prospects** - e.g., vicarious liability; review of the concept of “Responsibility”; formation and evidence of customary international space law, etc.,
- Principle that exploration and use of outer space be conducted for the benefit and in the interests of all mankind, be more clearly defined on the legal plane , to create a corresponding legal entitlement accruing to all members of the international community to demand fulfillment of the obligation (**Principle 1, UNGA Resolution 1962 (XVIII) / Article 1, 1967 Outer Space Treaty**)