



# Searching for 'Just Right' Options for Regulating Space Activities on Celestial Bodies

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Bradley Hayward BAv MCom LLB AMRAeS  
Solicitor, Carneys Lawyers  
Sydney, Australia

# Introduction

- Increasing activity in relation to celestial bodies
- Need for 'soft law' options
- 'Hard law' vs. 'soft law'
- Role of law in space
- Fundamental principles
- Proposals
  - Code of Conduct
  - Model law
  - International Regulation
  - Treaties

# 'Hard' vs. 'Soft' Law

- Hard
  - Traditional approach
  - Treaties
  - Peremptory norms – *jus cogens*
  - Binding – 'hard' language
- Soft
  - Nuances
  - Declarations, Codes of Conduct, etc
  - Not binding in 'hard' sense – 'soft' language
  - Possible catalytic effect

# Role of Law in Space

- Law should *follow* the development of technology, not *lead* it
- Consider development of human activities in space
- Law must seek to encourage development – may be stifled by over-regulation
- Imagination is for Engineers, not Lawyers (in relation to technology...)

# Principles

- Freedom of use and access for all persons
- Equal rights for all States to access outer space and the celestial bodies
- The prevention of 'appropriation' and claims of sovereignty  
(...while protecting rights of prospectors, scientists and explorers)
- Use of celestial bodies for peaceful purposes
- Protection of astronauts as the 'envoys of mankind'  
(perhaps with an extensive safety regime)
- Protection of the space environment
- Freedom of scientific exploration

# Proposals

- Code of conduct
- Model law
- International regulator
- Treaty options