

55th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Recent Developments in Space Law (5)

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CULMINATION OF EFFORTS IN THE AREA OF NATIONAL SPACE LEGISLATION IN 2012

Abstract

The year 2012 marks important milestones in the area of national space legislation. In March 2012, the working group of the Legal Subcommittee of the United Nations Committee for the Peaceful Use of Outer Space (COPUOS) established under the agenda item “General exchange of information on national legislation relevant to the peaceful exploration and use of outer space” will conclude its work and adopt a comprehensive final report. In August 2012, the Space Law Committee of the International Law Association (ILA) will present the “ILA Model Law” on national space legislation at the ILA Conference in Sofia, Bulgaria. In addition, efforts at the national level have brought about a new national space law, the Austrian Outer Space Act which entered into force in December 2011, and will first be tested at the occasion of the launch of the first two Austrian satellites, the Brite Austria constellation, by an Indian Polar Satellite Launch Vehicle in summer 2012. The paper will provide an overview over the three independent initiatives on national space legislation. After a short summary of the background and the different stages of development in the past years, the three outcome documents will be presented and compared. The analysis will both cover procedural and substantive aspects. As regards the COPUOS’ Legal Subcommittee’s working group report, specific observations of the present writer as the chair will complement the discussion of the contents and the value of the results achieved. As regards the ILA’s Model Law, the present writer as a member of the ILA Space Law Committee will highlight some aspects of the discussion among the space law experts participating in this committee. Finally, the Austrian Outer Space Act which was drafted by the present writer shall be analysed against the background of the COPUOS Legal Subcommittee’s working group report and the ILA Model Law.