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The International Legal Regulation of Outer Space within the Scope of Public International Law (3)

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LAW: CAN SPACE LAW USEFULLY BORROW OR ADAPT RULES FROM THESE OTHER AREAS  
OF PUBLIC INTERNATIONAL LAW?**Abstract**

This paper examines analogues between space law, on the one hand, and the law of the sea and international maritime law, on the other hand. It poses the question of whether space law can usefully borrow or adapt rules from these other areas of public international law. The first section looks at major common obligations between space law and certain areas of the law of the sea, particularly the "high seas" and "the Area." This broad scope examination of central principles is suggestive of many commonalities between the regimes, yet key differences in evolution and elaboration of these principles exist as well. The second section looks deeper into the fine, granular regulation of key problems in these so-called common areas. For instance, it examines whether the problem of space debris can be usefully addressed with adapted norms in the maritime field such as liability conventions, including insurance requirements, and salvage conventions. These areas of finer, granular regulation within treaties governing maritime activities do indeed have potentially usefully analogues but great care and significant adaptation would be required for effective norm creation within the space regime for these norms to attack the problem of space debris. With so much emphasis on looking at the air regime for analogues and solutions to space-related problems, this paper seeks to ensure that other major transport-related regime norms involving common areas, namely law of the sea and maritime regulation, are not forgotten as models are sought to regulate increased commercial space transportation activities. While it is true that much attention has been paid to analogues with respect to issues such as mining and resource extraction between the law of the sea and space law, less has been paid to the transport and safety aspects of maritime regulation as possible models for regulation of space transportation activities. Further, maritime norms now established by public international law, such as salvage, are often pointed to as possible models, but without emphasizing a need for major adaptation (along with potential changes to existing space law) in order for such principles to work effectively in space, with respect to problems like space debris.