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CRIMINAL JURISDICTION IN OUTER SPACE: AN ANALYSIS OF THE INTERNATIONAL SPACE
STATION INTERGOVERNMENTAL AGREEMENT (IGA) AS A POTENTIAL PRECEDENT TO
GOVERN THE PRIVATE SPACE STATION.

Abstract

Space jurisdiction has become increasingly relevant, especially when dealing with crimes in the outer space. Pertinent issues such as which law governs the crimes and which court tries the space crime offenders have since been the center of legal discourse. Come the era of space commercialization, it is probable that crimes will be a common occurrence in space, especially when human activity in outer space increases. Crimes may also be aggravated by the lack of any effective policing or military presence to safeguard and protect space activity, thus opening the possibilities to make the outer space more vulnerable to criminal activities. Crimes in the outer space may happen on board spacecraft, space laboratories, on celestial bodies or even on the space station. Regarding crimes in the space station, the International Space Stations Intergovernmental Agreement (IGA) may present as a possible solution to the jurisdictional conflicts in the space station as it has listed four major bodies of law, i.e. jurisdiction, tort, intellectual property and criminal law under its framework. Nevertheless, it is questionable if the IGA also has the potential to be a suitable precedent to govern the private space stations considering the commercial natures of the latter. It is argued that with the interests of private entities in planning a commercial space station, a guidance for its future framework is essential to ensure that justice prevails. Thus, this paper will briefly analyze the provisions stipulated in the IGA, in particular whether it is suitable and practical to be implemented in the private space stations considering its commercial context and its legal aspects, albeit limited to criminal jurisdiction. The concept of jurisdiction under international law and necessarily the aspects, status and legal implications of private space stations will also be reviewed and discussed. Finally, following such analysis, this paper will conclude by addressing any deficiencies in the IGA with some suggestions towards a workable framework for criminal jurisdiction in the private space stations.