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NANDASIRI JASENTULIYANA KEYNOTE ADDRESS ON SPACE LAW: A CONCISE HISTORY OF SPACE LAW

Abstract

The 100-year long history of space law is broadly internationally based, and has been enriched by extraordinary individual efforts of selected scholars and visionaries. Mentioned first in a journal article in Paris, France, in 1910, space law was an amorphous idea seeking shape and substance for more than 2 decades. In 1932 the first comprehensive monograph appeared, presenting many important, fundamental concepts which needed to be addressed. A few brief commentaries appeared during subsequent decades, until the first doctoral dissertation was written in 1953. By 1954 there were expanding international exchanges occurring among jurists who were concerned about needs for clarifications and definitions of law for outer space.

When Sputnik-1 was launched on October 4, 1957, the proposed concepts were no longer abstract or academic, because nations had begun placing functioning objects in space beyond the atmosphere, and the earlier proposed concepts began to be considered for inclusion in a new body of relevant law to regulate the activities of humankind in space. Following launch of the first Sputnik the world community began to incorporate principles, requirements, and prohibitions in formal legal instruments.

The development of space law during the 20th century has evolved in four interrelated phases: *Phase 1* involved the development of concepts of space law before Sputnik: from 1910 to 1957; *Phase 2* involved the clarification and adoption of basic applicable laws: from 1957 to 1966; *Phase 3* involves the expanding uses of space and regulations to manage such uses, which has been a process continuing since the mid 1960s; and *Phase 4* involves the regulation of human activities beyond the atmosphere, including eventually development of law to manage settlements and societies existing off the Earth. Regulation of such activities in space has only begun.

Space law has enjoyed the contributions of numerous visionaries, jurisconsults, pragmatists and innovators. The “law” that has emerged is mercurial, hard and soft, national and international, accepted and debated. This paper surveys the primary contributors of substance and direction in each of the four phases.