

Law Issues and Public Awareness Related to Space Exploration (11)

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## INTERNATIONAL COOPERATION IN SPACE EXPLORATION - A LEGAL DUTY?

### Abstract

This paper examines whether there is a legal duty of international cooperation (i) in general international law; and (ii) in space law. The answer is different for each case. (i) There is an un-decided debate, the major obstacle being a ‘distributive’ approach to international cooperation, requiring developed countries to share their benefits with developing countries. This approach, taken by developing countries, was rejected by the developed countries and the duty could not materialize. A ‘participatory’ approach, suggested by this paper, may enable recognition of a legal duty. Under the suggested participatory approach, developing countries will be able to participate in cooperative projects alongside developed countries, with investment of financial, human and technological resources according to their capabilities. The fruits of these projects and the boost to the developing countries’ technological level, may serve as an engine for economic growth and social development. (ii) The principle of international cooperation appears in space law as a derivative of the normative sphere of international law, but also due to space-specific considerations. The principle was introduced in the first UNGA resolution on space exploration and appears practically in every such UNGA resolution since. The 1967 Outer Space Treaty provides for a duty of cooperation, and the 1996 UNGA Declaration on International Cooperation elaborates its meaning. Taking into account the series of treaties and resolutions and the 1996 Declaration, and their aggregate effect, analyzed according to the ICJ’s ruling, the paper concludes that there is a legally binding duty of international cooperation in space exploration, the meaning and modes thereof are prescribed in the 1996 Declaration. Moreover, international cooperation is nothing less than the single most important principle in space law, and the prime constitutional norm of the field, in light of which all space policies, programs and activities should be constructed. The legal duty of international cooperation in space exploration, with a participatory approach, fulfils the basic goals and norms of space law: “to avoid the extension of present national rivalries into this new field” (1958 UNGA resolution 1348 (XIII)) and to make the “exploration... of outer space.. the province of all mankind” (OST Article I).