

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

IISL Young Scholars session and Dr. Jasentuliyana Keynote lecture by a leading space law expert (1)

Author: Dr. Franziska Knur
German Aerospace Center (DLR), Germany, franziska.knur@dlr.deHUMAN RIGHTS OBLIGATIONS OF STATES WITH REGARD TO THE ACTIVITIES OF
NON-GOVERNMENTAL ENTITIES IN OUTER SPACE**Abstract**

Under International Human Rights Law (IHRL), states have a responsibility to respect and a duty to protect the rights of individuals within their territory and subject to their jurisdiction. Whereas human rights violations by non-state actors are attributable to a state under very specific circumstances only, public authorities are under a positive obligation to adopt legislative and other measures to protect individuals from harmful acts of third parties.

Under the Outer Space Treaty, states bear international responsibility for national activities in outer space *including* those carried out by non-governmental entities. This raises questions on the scope and the content of human rights obligations of states with regard to non-governmental activities in outer space: Under what circumstances does IHRL apply to activities in outer space? How does ‘jurisdiction and control’ over a spacecraft and its personnel based on space object registration relate to the well-established concepts of IHRL? With regard to the activities of non-governmental activities in outer space, under what circumstances shall individuals be considered subject to a state’s jurisdiction – and therefore benefit from the rights recognized in international and regional human rights instruments? What is the content of negative and positive human rights obligations of states in relation to non-governmental activities in outer space? And what measures i.e. related to national legislation, authorization and supervision are required to fulfil these obligations?

In light of future non-governmental activities involving the presence of humans in outer space, the paper will explore selected questions of the extra-terrestrial application of international human rights law. Taking into account the specific characteristics of outer space as an area beyond state sovereignty and governed by international law, it will assess the necessity of an adequate protection of fundamental human rights. With reference to the protection scheme already in place for the International Space Station (personal and privacy rights of astronauts i.e. related to human research and medical experiments) and based on the case law of international and regional human rights institutions concerning areas of limited state jurisdiction, it will propose measures suitable to implement the human rights obligations of states with regard to the activities of non-governmental entities in outer space.