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Space Law Guide

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Research Guides

Space Law Guide

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Introduction

The purpose of this Guide is to familiarize the reader with the most basic tenets and documents governing space law, as well as highlighting some current hot topics in the field. This is more of a resource hub to aid your own research, rather than an actual presentation on the state of the law. It is important to remember that this is still a developing body of law, and that increasing breadth and nature of activities in outer space will likely result in new law, and new interpretations of existing law. This guide is current as of April 2, 2012.

Space Law: Brief Overview

Space Law deals at its most basic level with the regulation of objects sent into, and removed from, space. It is largely governed by international agreements, and by statutes in nations which have an active space program.

- International space law- an overview
  http://www.sen.com/feature/space-law-overview.html
  The overlay of law onto the final frontier, as seen from 10000 feet.

Disclaimer

This research guide is a starting point for a law student or an attorney to research the area of Space Law. This guide should not be considered as legal advice or as a legal opinion on any specific facts or circumstances. If you need further assistance in researching this topic or have specific legal questions, please contact a reference librarian in the Georgia State University College of Law library or consult an attorney.

Emerging Topics in Space Law

Some issues have come to the forefront recently, largely as the result of advancing technology and policy decisions.

- Resource Extraction--Lunar Mining Idea Digs Up Legal Issues
  http://www.space.com/10621-moon-mining-legal-issues.html
  What can we legally take from space and Solar bodies? Can we keep the benefits of extraction, or should they be disgorged for the benefit of all mankind?
- Safety--Space Tourism and Private Space Travel Must Be Safe, House Panel Says
  http://www.msnbc.msn.com/id/46609897/ns/technology_and_science-space/#.T3i5QWHGmXE
  What kinds of regulations should be in place to ensure safety for civilians who venture into space? How do we balance safety with efficiency and minimization of costs?
- Liability for Satellites and Materials in Orbit--Governments that Operate Satellites Face Unlimited Liability Risk
  http://www.oneorbitwatch.com/feature/governments-operate-satellites-face-unlimited-liability-risk
  Who is liable for damage to satellites caused by space "junk", and what happens when a failing satellite causes terrestrial damage?

Space Law Video: Overview

[redacted]

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Primary Sources

International Agreements Governing Space

- These are the primary guiding laws for space.
- The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies ("Outer Space Treaty"). Ratified by over 100 countries, including all major space powers.
- The 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space ("Rescue Agreement").
- The 1972 Convention on International Liability for Damage Caused by Space Objects ("Liability Convention).
- The 1975 Convention on Registration of Objects Launched into Outer Space ("Registration Convention").
- The 1979 Agreement Governing the Activities of States on the Moon and Other Celestial Bodies ("Moon Treaty"). Ratified by only a few countries, none of which are major space powers.
- Below is a link to a U.N. document which compiles these five agreements.

- Every United Nations Space Treaty
  http://www.unoosa.org/pdf/publications/STSPACE11E.pdf
  This is a collection of treaties compiled into one official U.N. document. Free resource on the U.N. website.

Space Law Legislation: Global Index

- U.N. Index of Space Legislation
  http://www.oosa.unvienna.org/oosadb/browse_all_js.jsp?dims=COUNTRY_CODE%7CDATE
  A U.N. complied listing of the legislation concerning space from twenty countries. Free resource on U.N. website.

U.S. Statutes and Regulations Regarding Space

All links are to WestlawNext.

- 51 U.S.C.A - "National Aeronautics and Space Act" Table of Contents
  https://1.next.westlaw.com/Browse/Home/StatutesCourtRules/UnitedStatesCodeAnnotatedUSCA?guid=N4A297E70387411E0A9528A71DEAE9D76&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)
  Created NASA, and is a source of a variety of regulations concerning the use of space and the various goals of the agency.
- 42 U.S.C.A- "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2010" : Table of Contents
  https://1.next.westlaw.com/Browse/Home/StatutesCourtRules/UnitedStatesCodeAnnotatedUSCA?guid=N74AF216024E511E09714F4475B4D179A&transitionType=DocumentItem&contextData=(sc.DocLink)
  Authorizes NASA budget, sets long term goals, and certain requirements for NASA.
- 47 U.S.C.A -- "Communications Satellite Act": Table of Contents
  https://1.next.westlaw.com/Browse/Home/StatutesCourtRules/UnitedStatesCodeAnnotatedUSCA?guid=N19B794627F6B43909B3F4636E5205C58&transitionType=DocumentItem&contextData=(sc.DocLink)
  Establishes regulations concerning commercial satellites.
- 51 U.S.C.A--"Commercial Space Launch Act"
  https://1.next.westlaw.com/Browse/Home/StatutesCourtRules/UnitedStatesCodeAnnotatedUSCA?guid=N8097D5004FF911E0A8B9CB649AD12F73&transitionType=DocumentItem&contextData=(sc.Search)
  Delineates out FAA control over atmospheric launches of commercial space craft.

Presidential Policy Directive on Space

- NATIONAL SPACE POLICY of the UNITED STATES of AMERICA
  http://www.whitehouse.gov/sites/default/files/national_space_policy_6-28-10.pdf
  President Obama's new policy and vision for space exploration and development.

Cases

Seminal cases on space law issues are sparse. Many of the major areas of the field are theoretical, and have not yet been litigated.

All links provided are to WestlawNext.

- Florida Coalition for Peace and Justice v. George Herbert Walker Bush
  https://a.next.westlaw.com/Document/Icc8cd34055d011d997e0acc5c9d0d3f/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2F0ad6040b0000013675ea217e803c5f75%3FNav%3DCASE%26fragmentIdentifier%3DIcc8cd34055d011d997e0acc5cbd90c3f%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=97bee06b6dea98ff56e1de0885db6af2&list=CASE&rank=4&grading=na&sessionScopeId=8331473b1f2c714d3612a47fa0f6adf9&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29
  Examined the application of NEPA(National Environmental Policy Act) to whether NASA could launch nuclear powered spacecraft into orbit.
- Nemitz v. U.S.
  https://1.next.westlaw.com/Document/Id4e2008793f11d99c4dbb2f0352441d/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2F0ad6040b0000013675b776a550b3e9e3e%3FNav%3DCASE%26fragmentIdentifier%3DId4e2008793f11d99c4dbb2f0352441d%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=7fabc1a5a604a634a434ce83b15a6e86&list=ALL&rank=1&grading=na&sessionScopeId=2f3af096fe3224de5dfa5e544848356 0&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29
  Alleged private property rights on an Asteroid.
- U.S. v. One Lucite Ball
  https://a.next.westlaw.com/Document/Ia617df37540711d9a99c85a9e6023ffa/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2F0ad6040b0000013675c8ab48803c4eef%3FNav%3DCASE%26fragmentIdentifier%3DIa617df37540711d9a99c85a9e6023ffa%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=6f5aa05a69845b028b1251875fabe86e&list=ALL&rank=1&grading=na&sessionScopeId=8331473b1f2c714d3612a47fa0f6adf9&originationContext=Smart%20Answer&transitionType=SearchItem&contextData=%28sc.Search%29
  Stolen Moon rock was forfeited after being purchased in Honduras.
- Berg v. Reaction Motors Division
  https://a.next.westlaw.com/Document/I0a6d689833e511d98b61a35269fc5f88/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2F0ad6040b0000013675dc6b5f803c57e7%3FNav%3DCASE%26fragmentIdentifier%3DI0a6d689833e511d98b61a35269fc5f88%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=d154daeb8bdb6d97895ec3e0b64440fb&list=ALL&rank=1&grading=na&sessionScopeId=8331473b1f2c714d3612a47fa0f6ad9&originationContext=Smart%20Answer&transitionType=SearchItem&contextData=%28sc.Search%29
  Examined issues of governmental immunity for damages when rocket test firings caused property damage.

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Secondary Sources

Law Review Articles

These articles may be accessed on Westlaw or Lexis. However, all hyperlinks are to Westlaw.

- MOVING THE HEAVENS: LUNAR MINING AND THE "COMMON HERITAGE OF MANKIND" IN THE MOON TREATY
  https://1.next.westlaw.com/Document/I8ea095d162d011dbbe1cf2d29fe2afe6/View/FullText.html?listSource=Foldering&categoryId=bnrPz4WxfgsB0jh3oagMtxweBayK%60e216u3NEIktdBIpR9KB%7CRfCuHKJYK3%7Cpkeyfw5ucBokq6lC%60FoFHRtqfwUUKCC3hXl&fcid=6109c55887284c9eb96aedDdfaff63a1&originationContext=MyResearchDockDocuments&transitionType=FolderItem&contextData=%28rcid.6109c55887284c9eb96aedDdfaff63a1*pc.Search%29&VR=3.0&RS=cblt1.0
  This article discusses the framework of space law as applied to lunar mining, a very hot issue currently.
- LAW'S EMPIRE AND THE FINAL FRONTIER: LEGALIZING THE FUTURE IN THE EARLY CORPUS JURIS SPATIALIS
  https://1.next.westlaw.com/Document/Id4f47fad1382e11db8382ae8d8e33c97/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2F0ad7052700000136fac9d5ad3d082337%3FNav%3DANALYTICAL%26fragmentIdentifier%3DId4f47fad1382e11db8382ae8d8e33c97%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=135781c1be63b1681143ca2d1adcb5c4&list=ANALYTICAL&rank=1&grading=na&sessionScopeId=879f767e8de2bea958da41957e5dfa82&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29

  An examination of legal commentary in a historical period of space law: the Apollo-era.
- THE TRAGEDY OF THE COMMON HERITAGE OF MANKIND
  https://1.next.westlaw.com/Document/I9ac018a311c511deb05dde4196f001f3/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2F0ad7052700000136fac9d5ad3d082337%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI9ac018a311c511deb05dde4196f001f3%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=135781c1be63b1681143ca2d1adcb5c4&list=ANALYTICAL&rank=4&grading=na&sessionScopeId=879f767e8de2bea958da41957e5dfa82&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29

  This article discusses some of the problems caused by the phrase and legal concept "common heritage of mankind" to the development of space infrastructure and resource exploitation
- TOWARDS A NEW REGIME FOR THE PROTECTION OF OUTER SPACE AS THE "PROVINCE OF ALL MANKIND"
  https://1.next.westlaw.com/Document/Iad9bb6914b0111dba16d88fb847e95e5/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2F0ad7052700000136fac9d5ad3d082337%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIad9bb6914b0111dba16d88fb847e95e5%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=135781c1be63b1681143ca2d1adcb5c4&list=ANALYTICAL&rank=5&grading=na&sessionScopeId=879f767e8de2bea958da41957e5dfa82&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29

  This article discusses the need to protect the environment and humanity from space infrastructure and power sources, and a need for focused international law to address this issue.
- LAW VERSUS POWER ON THE HIGH FRONTIER: THE CASE FOR A RULE-BASED REGIME FOR OUTER SPACE
  https://1.next.westlaw.com/Document/Ie7ff0e0383011db8382ae8d8e33c97/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2F0ad7052700000136fac9d5ad3d082337%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe7ff0e0383011db8382ae8d8e33c97%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=135781c1be63b1681143ca2d1adcb5c4&list=ANALYTICAL&rank=7&grading=na&sessionScopeId=879f767e8de2bea958da41957e5dfa82&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29

  This article discusses the need to avoid the use or stationing of weapons in spaces,and instead focusing on the rule of law, instead of power in the solar system.

Space Law Book and Treatise Resources-GSU Law Library

- Space Law: development and scope by Nandasiri Jasentuliyana (Editor)
  Call Number: KZD1145 .S733 1992
  ISBN: 027594036X
  Publication Date: 1992-08-30
  http://gilfind.gsu.edu/vufind/Record/43555
- Space Law by Robert McCorquodale (Editor); Francis Lyall (Editor); Paul B. Larsen (Editor)
  Call Number: KZD1145 .S63 2007
  ISBN: 0754624560
  Publication Date: 2007-02-01
  http://gilfind.gsu.edu/vufind/Record/2045424
- Space : legal and commercial issues : papers presented at the conference of the IBA's Section on Business Law, Singapore, September 1985, to meetings of Committee Z (Space) and at a joint meeting with Committee H (Insurance) by International Bar Association. Section on Business Law.
  Call Number: KZD1141 .S73 1986
  ISBN: 0948711068X
  Publication Date: 1986
  http://gilfind.gsu.edu/vufind/Record/34990/Holdings#tabnav
- International Space Law by G. P. Zhukov; IU M. Kolosov
  Call Number: KZD1145 .Z48 1984
  ISBN: 003069812X
  Publication Date: 1984-01-01
  http://gilfind.gsu.edu/vufind/Record/27314
- Outer Space by J. E. Fawcett
  Call Number: KZD1145 .F39 1984
  ISBN: 019825982
  Publication Date: 1985-02-07
  http://gilfind.gsu.edu/vufind/Record/29688/Holdings#tabnav

Space Law Treatises-Westlaw

- American Jurisprudence 2d Space Law: Table of Contents
  https://a.next.westlaw.com/Browse/Home/SecondarySources/TextsTreatises/AmericanJurisprudence2d?guid=I01f0ae50994011d8b642f6efee5c0e30&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)
- Corpus Juris Secondum Aeronautics and Aerospace: Table of Contents
  https://a.next.westlaw.com/Browse/Home/SecondarySources/TextsTreatises/CorpusJurisSecundum?guid=I1BD99F0E1DD211B2865D3E00E208BAF3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)

Space Law Journals

- Journal of Space Law
  http://www.spacelaw.olemiss.edu/jsl/index.html
  The Journal provides a comprehensive cumulative index that can be browsed by topic and author, located at http://www.spacelaw.olemiss.edu/jsl/pdfs/jsl-cumulative-index.pdf

  Articles also available on HeinOnline.
- Journal of Air Law and Commerce
  https://a.next.westlaw.com/Browse/Home/SecondarySources/LawReviewsJournals/TexasLawReviewsJournals/JournalofAirLawCommerce?originationContext=AutoComplete&contextData=(sc.Search)&transitionType=CategoryPageItem#
  Link is to Westlaw Next. Also available on LexisNexis Academic and HeinOnline.
- Air & Space Lawyer
  https://a.next.westlaw.com/Browse/Home/SecondarySources/LawReviewsJournals/IllinoisLawReviewsJournals/AirSpaceLawyer?transitionType=Default&contextData=(sc.Default)
  Link provided is to WestlawNext.

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Space Law Associations, Committees, Organizations, Blogs, and Websites

Space Law Organizations

- The United Nations Office for Outer Space Affairs
  http://www.oosa.unvienna.org/
- The International Institute of Space Law
  http://www.iislweb.org/
- European Space Policy Institute p
  http://www.espi.or.at/

Space Law Committees

- International Law Association: Space Law Committee
  http://www.ila-hq.org/en/committees/index.cfm/cid/29
- Rutgers Admiralty, Aviation and Space Law Association
  http://raasla.newark.rutgers.edu/
- American Bar Association Committee on Air and Space Law
  http://www.americanbar.org/groups/air_space.html

Space Law Blogs

- SPACE TRAVEL LAW NEWS
  http://spacetravellaw.blogspot.com/
  Covers major news, interesting legal developments and emerging trends having to do with commercial space flight and development.
- Res Communis
  http://rescommunis.olemiss.edu/
  A blog on the legal aspects of the application of aerospace technology.
- Juriscienta
  http://juriscientia.com/
  A more general blog on law and technology that often deals with space law issues.

Space Law, Policy, and News Websites

- SpacePolicyOnline.Com
  http://www.spacepolicyonline.com/
  Excellent and up to date source on general news and analysis for almost every area of space utilization.
- SPACE.com
  http://www.space.com/
  Generalized information about space and space exploration.
- The Space Review: essays and commentary about the final frontier
  http://www.thespacereview.com/
  Devoted to in-depth articles, commentary, and reviews regarding all aspects of space exploration: science, technology, policy, business, and more
- European Space Policy Institute
  http://www.espi.or.at/
  Provides overview and commentary on mid to long-term issues in European space development.
- Space Policy Journal
  http://www.journals.elsevier.com/space-policy/#description
  Online journal that covers international issues in space policy.
- Space Politics
  http://www.spacepolitics.com/
  Keeps up to date on the latest governmental issues that might impact space development.

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