

---

# The Way Forward for Promoting Awareness of Space Law in Asia: A Proposal for Institutional Capacity Building

---

Yun Zhao\*

*International cooperation in outer space affairs has always been considered vital to the development of space activities. Such cooperation happens in different levels and different areas. Regional cooperation is especially meaningful to the regions concerned. We have witnessed important developments of space cooperation in Asia in the last few years. However, the cooperation so far is largely limited to technological aspects. We urgently need to see the cooperation in promoting awareness of space law in this region. This article proposes that the establishment of the Asia-Pacific Space Law Center, modeling on the European Center for Space Law, could fill the gap and play an important role in the promotion and education of space law in Asia. Nevertheless, in view of the current situation in the region, we may need to adopt the second best approach, that is, to establish a section within the Asia-Pacific Space Cooperation Organization solely dealing with promoting regional cooperation for space law.*

## Keywords

Space Cooperation, Asia-Pacific Space Law Center, Asia-Pacific Space Cooperation Organization, Capacity Building

\* Associate Professor at Faculty of Law of the University of Hong Kong. LL.B. (CUPL), LL.M. (CUPL/Leiden), Ph.D. (Erasmus). This article stems in part from a paper presented at the International Conference on the Law of Outer Space titled, "The Role of Law in an Asian Space Age: Institutions and Applications" at Jakarta, Indonesia during June 6-7 2011. The author may be contacted at: zhaoy@hku.hk / Address: KK Leung Building, HKU Pokfulam Road, Hong Kong.

## I. Introduction

Space technologies, such as telecommunications and broadcasting, have brought great change to human society. These technologies are changing our life making it more colorful and convenient. On the one hand, such “advanced technologies, because of their huge costs, large scale, and, in the case of nuclear weapons, immense destructive power, provide an important impetus to international cooperation.”<sup>1</sup> On the other hand, cooperation in the research and development of space technologies has further facilitated these changes and makes them develop at an ever-increasing pace.

International cooperation in space activities has always been considered as vitally important to advancing space technologies and realizing common interest of all mankind.<sup>2</sup> It is believed that space cooperation can assure equal rights to the benefits of space activities.<sup>3</sup> In 1961, the concept of international cooperation in space-related activities has been announced when the United Nations General Assembly (“UNGA”) released its first resolution for space activities.<sup>4</sup> This concept was further elaborated in the 1996 UNGA resolution<sup>5</sup> and later embedded in the 1967 Outer Space Treaty. Some scholars have argued that the concept of international cooperation has become part of customary international law.<sup>6</sup>

Since the emergence of space activities, mankind has indeed witnessed rapid development of space cooperation among States at different levels. Globally, a successful example includes the international space station (“ISS”); regionally, the European Space Agency (“ESA”) was established to coordinate space activities in the European region; bilaterally, China has successfully cooperated with Brazil helping it to develop its indigenous space capability.<sup>7</sup>

Space cooperation can also happen in a wide variety of areas, such as research and development of space technologies, space exploration and commercialization. Various regional organizations have been established to promote space cooperation in specific

<sup>1</sup> VICTOR BASIUK, *TECHNOLOGY, WORLD POLITICS, AND AMERICAN POLICY* 7 (1977).

<sup>2</sup> NANDASIRI JASENTULYANA, *INTERNATIONAL SPACE LAW AND THE UNITED NATIONS* 174 (1999).

<sup>3</sup> Chukeat Noichim, *Promoting ASEAN Space Cooperation*, 24 *SPACE POLICY* 11 (2008).

<sup>4</sup> *International Cooperation in the Peaceful Uses of Outer Space*, G.A. Res. 1721(XVI) A & B (Dec. 20, 1961).

<sup>5</sup> *Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States: Taking into Particular Account the Needs of Developing Countries*. G.A. Res. 51/122, U.N. Doc. A/51/590 (Dec. 13, 1996).

<sup>6</sup> IAN BROWNLIE, *PRINCIPLES OF PUBLIC INTERNATIONAL LAW* 264 (5th ed. 1998). See also BIN CHENG, *STUDIES IN INTERNATIONAL SPACE LAW* 125-149 (2004).

<sup>7</sup> Yun Zhao, *The 2002 Space Cooperation Protocol between China and Brazil: An Excellent Example of South-South Cooperation*, 21 *SPACE POLICY* 213-219 (2005).