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

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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

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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.”¹ 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.² It is believed that space cooperation can assure equal rights to the benefits of space activities.³ 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.⁴ This concept was further elaborated in the 1996 UNGA resolution⁵ 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.⁶

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.⁷

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

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

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

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

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

⁵ *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).

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

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

areas since the space activities appeared in 1957. However, cooperation in the promotion of space law has not been carried out at the same level as in the other areas of space activities.

The importance of space law in maintaining space order and realizing the utmost goal of peaceful uses of outer space has been widely acknowledged.⁸ For instance, the United Nations put great importance to the promotion of space law. In the last few years, the United Nations has taken the initiative to further the understanding of space law around the world.⁹ A series of workshops have been organized in different continents to promote the awareness of space law.¹⁰ Such workshops may, to a certain extent, draw attention from the States to the space treaties and space laws in general as the governments send delegates to attend such workshops. Because these one-week workshops can only serve limited purposes, a sustainable framework is needed at domestic or regional level to further strengthen the promotion of space law.

The European Union has already established its own space law center. There, various activities have been organized to promote space law in the region.¹¹ In addition, in-depth research and education on space law have been already in place in the United States and Canada. This is not the case in Asia. Space law generally remains to be a 'mysterious' area of law for most people in the region, even for many academics and legal practitioners.

The primary objective of this article is to take up the initiative to examine the necessity and feasibility of setting up a space law institution in Asia. It should be noted that the scope of Asia-Pacific can be quite broad, including countries such as Australia, the United States and Canada. Since the proposed space law center would be built as part of the Asia-Pacific Space Cooperation Organization ("APSCO") at the very beginning and entitled as "Asia-Pacific Space Law Center ("APSLC")," however, this paper thus frequently uses the term 'Asia-Pacific' to ensure consistency.

⁸ See, David Tan, *Towards a New Regime for the Protection of Outer Space as the "Province of All Mankind,"* 25 YALE J. INT'L L. 157 (2000).

⁹ The Space Millennium: Vienna Declaration on Space and Human Development, THIRD UNITED NATIONS CONFERENCE ON THE EXPLORATION AND PEACEFUL USES OF OUTER SPACE PROC. (July 19-30, 1999), available at <http://www.oosa.unvienna.org/pdf/reports/unispace/viennadecE.pdf> (last visited on Sept. 12, 2011).

¹⁰ United Nations Workshops on Space Law, available at <http://www.oosa.unvienna.org/oosa/en/SpaceLaw/workshops/index.html> (last visited on Sept. 12, 2011).

¹¹ According to ECSL website, "The main objective of the European Centre for Space Law is to build up and spread, within Europe and elsewhere, an understanding of the legal framework relevant to space activities. ECSL does this by fostering the exchange of information among interested stakeholders and by helping to improve and promote the teaching of space law. Its aim is to provide updated information on Europe's contribution to space activities beyond Europe, and therefore to enhance the European position in the field of space law practice, teaching and publications." See the official website of the European Center for Space Law, available at <http://www.esa.int/SPECIALS/ECSL/> (last visited on Sept. 12, 2011).

This article is divided into four parts including brief introduction and conclusion. Part two gives an overview of the current space organizations in Asia and brings forward the fact that there are no institutions in the region, which deals with promotion of space law. Following the model of the European Center for Space Law, Part three proposes the establishment of an Asia-Pacific Space Law Center, which shall take up the important task in promoting the awareness of space law there. In view of the rapid development of space technology and its intimate connections with our daily life, the article concludes that a regional academic institution is vital to the promotion of research and education in space law in the region. Better understanding of space law shall be conducive to the formulation of an appropriate legal regime for space activities, which shall in turn provide an impetus for future development of space activities.

II. Current Situation of Space Law and Activities in Asia

Asia has been a forerunning to lead major economic and social developments in the last few decades. Along with the rapid economic development, Asia stands out as one of the most vigorous and promising regions for aerospace industry. The need to set up some kind of cooperative framework has been widely recognized, which can be well exemplified by several regional space organizations already established in this region.

It would be thus useful to look into the major functions of those organizations and to decide whether the major functions include promotion of space law. So far, three important regional space organizations in place deals with different aspects of space activities in the region: Asia-Pacific Regional Space Agency Forum (“APRSF”),¹² Center for Space Science and Technology Education in Asia and the Pacific (“CSSTEAP”),¹³ and Asia-Pacific Space Cooperation Organization.¹⁴ It is noted that the Association of Southeast Asian Nations (“ASEAN”) has its own Subcommittee on Space Technology and Applications (“SCOSA”).¹⁵ The SCOSA provides a forum for the ASEAN members to collaborate on space-related technologies and their applications to realize the common interests in the region. So far, the SCOSA carried out several activities, including the ASEAN Oil Spill Detection Project, training workshop on

¹² See the official website of the APRSAF, available at <http://www.aprsaf.org> (last visited on Sept. 12, 2011).

¹³ See the official website of the CSSTEAP, available at <http://www.cssteap.org> (last visited on Sept. 12, 2011).

¹⁴ See the official website of the Asia-Pacific Space Cooperation Organization, available at <http://www.apsco.int> (last visited on Sept. 12, 2011).

¹⁵ The SCOSA does not have an independent website; it is affiliated with ASEAN Ministerial Meeting on Science and Technology (“AMMST”), available at <http://www.asean.org/19592.htm> (last visited on Sept. 12, 2011).

Application of the Satellite Based Position/Navigation System, training workshop on Precision Farming.¹⁶ The main function of the SCOSA, however, does not include the promotion of space law. It only provides the collaborative and cooperative programs and projects on space technologies and their applications.¹⁷ Moreover, this Subcommittee is only a working group under the ASEAN, whose mandate does not cover entire Asia. We will thus examine the three organizations, excluding the SCOSA, in the following sections.

A. Asia-Pacific Regional Space Agency Forum

The APRSAF, originally sponsored by the National Space Development Agency of Japan (“NASDA”), was established in 1993 to provide a platform for representatives from space agencies and international organizations in the Asia-Pacific region to “exchange views, opinions and information on national space programs and space resources.”¹⁸ The secretariat of the NASDA is based in Tokyo, Japan and is staffed by the Japanese Ministry of Education, Culture, Sports, Science, and Technology (“MEXT”) and the Japan Aerospace Exploration Agency (“JAXA”).¹⁹

The membership of the APRSAF is open to regional and international organizations. The APRSAF, a loose forum, adopts a flexible framework, with members carrying out their cooperative projects voluntarily.²⁰ Such a flexible and voluntary nature provides an obvious advantage for any national space agencies, governmental bodies and international organization to share their views in the annual meeting and take up projects of their common interest.²¹

Its objectives further include the following: seeking measures to contribute to socio-economic development to the region and the preservation of the global environment, through space technology and its application; discussing possibilities of future cooperation amongst space technology developers and space technology users to bring mutual benefits of the countries in the region; identifying areas of common interest, and assigning priorities thereto; reviewing the progress of the implementation of the plans and programs for further cooperation within the region; and considering and recognizing the importance to cooperate with space agencies and organizations outside the region.²²

¹⁶ SCOSA, The ASEAN Subcommittee on Space Technology and Application, available at http://www.aprsaf.org/data/malaysia_tecshop_data/malaysia_presen_day1/am/5_asean_bambang.pdf (last visited on Sept. 12, 2011).

¹⁷ *Id.*

¹⁸ See About APRSAF, available at <http://www.aprsaf.org/about> (last visited on Sept. 12, 2011).

¹⁹ *Id.*

²⁰ Boutros Boutros-Ghali, *International Cooperation in Space for Security Enhancement*, 10 SPACE POLICY 270 (1994).

²¹ *Supra* note 18.

²² *Id.*

Since 1993, the APRSAF has operated rather actively with identified themes for discussion in annual meetings. Those themes include “Application of Space Technology,” “Easy Access to Space Benefit,” “New Space Age in the Asia and Pacific Region,” “Beneficial Space Application for the Region,” “Toward Promoting Cooperation on Space Application in Our Region,” “Toward Expansion of the Space Community,” “Maximizing Space Benefits for the Society,” “Work Together, Building a Secure and Prosperous Society,” “Space for Human Empowerment,” “Space for Sustainable Development,” “Space Applications: Contributions towards Human Safety and Security,” and the “Role of Space Technology and Industry in Addressing Climate Change.”²³ The exchanges and meetings in recent years have been considered to reflect the “steady march of Asian space ability.”²⁴

So far, the APRSAF has supported the establishment of several international projects, including the Sentinel Asia initiative,²⁵ Space Applications For Environment (“SAFE”),²⁶ and the Satellite Technology for the Asia-Pacific Region (“STAR”) program.²⁷ Currently, the APRSAF organizes four working groups: Earth Observation (“EO”), Communication Satellite Applications (“CSA”), Space Education and Awareness (“SEA”), and Space Environment Utilization (“SEU”).²⁸ Obviously, space law is not among these four working groups.

B. Center for Space Science and Technology Education in Asia and the Pacific

The Center for Space Science and Technology Education in Asia and the Pacific (“CSSTEAP”), established in 1995, is affiliated to the United Nations in accordance with the UNGA Resolution²⁹ that establishes Centers for Space Science and Technology Education in developing countries. The membership is open to all the countries in Asia. At the moment, it has fifteen signatory members, namely, Democratic People’s Republic Korea, India, Indonesia, Kazakhstan, Kyrgyzstan, Malaysia, Mongolia, Myanmar, Nauru, Nepal, Philippines, Republic of Korea, Sri Lanka, Thailand and Uzbekistan.³⁰

²³ *Id.*

²⁴ Jeff Kingwell, *Moving Forward: Outcomes of the APRSAF*, 22 SPACE POLICY 63 (2006).

²⁵ *Supra* note 18. It promotes the cooperation between space agencies and disaster management agencies to apply remote sensing and Web-GIS technologies in the area of disaster management in the region.

²⁶ *Id.* It encourages the use of space applications in the area of environmental monitoring for climate change, mitigation and adaptation studies, and studies on other forms of practical applications.

²⁷ *Id.* It aims to develop small satellites in collaboration with engineers and researchers in the region.

²⁸ *Id.*

²⁹ G.A. Res. 45/72, U.N. Doc. A/45/821 (Dec. 11, 1990).

³⁰ *Supra* note 13.

The purpose of the CSSTEAP is to assist the members in Asia in developing and applying space science and technology to improve everyday life quality in the region through education, training and research.³¹ With education, training and research as major means to achieve the intended objectives, the CSSTEAP organizes postgraduate courses, short term program and workshops.³² Several fields have been specifically identified: remote sensing and geographic information system, satellite communications, satellite meteorology and global climate, space and atmospheric science.³³ Space law is definitely not one of them, either.

Moreover, as stated in the General Assembly Resolution 51/122,³⁴ it targets developing countries. While Asia has large number of developing countries, the CSSTEAP is not mandated to deal with developed countries in the region, such as Japan. In this sense, the CSSTEAP cannot be considered as covering whole Asia. It is only a functioning branch or working group under the United Nations framework to carry out the United Nations' duties towards developing countries.

C. Asia-Pacific Space Cooperation Organization

The Asia-Pacific Space Cooperation Organization, a relatively young organization, was established in 2006 with its headquarters in Beijing, China. The origins of this organization dates back to 1992 when an initiative called the Asia-Pacific Multilateral Cooperation in Space Technology and Applications ("AP-MCSTA") was proposed in a trilateral meeting among China, Pakistan and Thailand.³⁵

The APSCO is open to all members of the United Nations in the Asia-Pacific region.³⁶ At the moment, there are seven States including Bangladesh, China, Iran, Mongolia, Pakistan, Peru and Thailand. Indonesia and Turkey which have signed the Convention of Asia-Pacific Space Cooperation Organization ("the Convention"), but not yet finished the domestic ratification process for the final memberships. The Council is the highest decision-making body, consisting of a Chairman and ministers or ministerial representatives of the national space agencies of the Member States; the Council appoints the Secretary-General, who heads the Secretariat and acts as the chief executive

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Supra* note 5.

³⁵ For details on the history of the APSCO, see About APSCO, available at <http://www.apSCO.int/history.aspx> (last visited on Sept. 12, 2011).

³⁶ The Convention of the Asia-Pacific Space Cooperation Organization ("APSCO Convention") art. 9(1), available at <http://www.apSCO.int/UploadFile/2009924/F1TKF8A2009924.pdf> (last visited on Sept. 12, 2011).

officer of the organization.³⁷

In accordance with Article 4 of the Convention, the objectives of the APSCO are as follows: “to promote and strengthen the development of collaborative space programs among its Member States by establishing the basis for cooperation in peaceful applications of space science and technology; to take effective actions to assist the Member States in such areas as space technological research and development, applications and training by elaborating and implementing space development policies; to promote cooperation, joint development, and to share achievements among the Member States in space technology and its applications as well as in space science research by tapping the cooperative potential of the region; to enhance cooperation among relevant enterprises and institutions of the member States and to promote the industrialization of space technology and its applications; to contribute to the peaceful uses of outer space in the international cooperative activities in space technology and its applications.”³⁸ Since its establishment, several symposia, workshops and training programs have been successfully held, covering the areas of remote sensing technology, satellite technology and spacecraft project management, satellite data broadcasting system and other space technology applications.³⁹

D. Summary

Since 1990s, the importance of space cooperation has been well recognized in Asia. Qizhi pointed out the necessity of a cooperative mechanism in the region “in view of the fact that most of the countries in this region are developing countries, and only by pooling their resources in a cooperative way, can they achieve objectives and benefits beyond the reach of individual countries.”⁴⁰ Various forms of cooperation in space technology applications have been carried out so that members in the region can benefit from these modern advanced technologies in their everyday life. However, the above three organizations - APRSAF, CSSTEAP and APSCO - have their limits. The limited

³⁷ See the official website of the Asia-Pacific Space Cooperation Organization, available at www.apsco.int (last visited on Sept. 12, 2011).

³⁸ The APSCO Convention art. 4.

³⁹ The APSCO held the following international works: International Symposium on Space Cooperation for the Asia-Pacific Region in Thailand in 2009; International Workshop on Early Warning and Monitoring Earthquake by Using Electromagnetism Detecting Satellite in Jakarta, Indonesia in 2007; training course on Data Processing and Application of Remote Sensing Satellite in Beijing in 2009; a nine-month Master program on Space Technology Applications in Beijing in 2006-2007; training course on Space Technology Applications in Lima, Peru in 2007; training course on Reception Stations of FY Satellite Data Broadcasting System (“DVB-S”) in Beijing in 2006; training course on Satellite Technology and Spacecraft Project Management in Beijing in 2005; and Course on Remote Sensing Technology and Applications for Mongolia/Indonesia in Beijing in 2005.

⁴⁰ Qizhi He, *Organizing Space Cooperation in the Asia-Pacific Region*, 9 SPACE POLICY 209 (Aug. 1993).

number of members raises the concern that those organizations do not represent all States in the Asian region. Another scholar has just proposed the establishment of an Asian Space Agency,⁴¹ which has, unfortunately, not yet been realized in the region.

Compared with the successful story of the ESA, the lack of an institution dealing with promotion of space law in Asia is understandable in view of the following two facts. First, countries in Asia have drastically different histories and cultures; further, as one scholar correctly pointed out, “relatively hostile political relationships still exist between many capitals in Asia (New Delhi-Beijing, New Delhi-Islamabad, Seoul-Tokyo, Pyongyang-Seoul, and Tokyo-Beijing), which have lowered receptivity to possible cooperation in space.”⁴² Second, outer space activities are generally considered as sensitive and having close relations with national security; countries have thus guarded space technologies rather closely and viewed any kind of technological cooperation with certain level of mistrust. The exceptional case in Asia, according to Moltz, is that “the relatively closed nature of major Asian economies, which have traditionally resisted cooperative projects with potential rivals, particularly in an area of technology deemed critical to the nation’s economic infrastructure.”⁴³ Wing pointed out: “Because of the cultural differences, social values and technological gaps between Asia and the West,⁴⁴ many factors⁴⁵ taken for granted in the space programs of the United States and the Europe Union, have to be often examined and debated. This problem is compounded by the redundancy and technical or financial limits.”⁴⁶

In a strict sense, the CSSTEAP is an organ in United Nation systems that promotes the development and use of space technologies in developing countries. It is one of several branches in the world to serve the purpose of the United Nations resolution. Thus, the Japanese-sponsored APRSAF and the China-led APSCO, as the two major regional camps in Asia, have been recognized as “two rival space organizations, each seeking to ‘organize’ Asia’s space powers and their cooperative activities.”⁴⁷ As Moltz correctly observed, eventually, “trends in Asian space cooperation show considerable fragmentation.”⁴⁸

⁴¹ D. H. Kim, *The Possibility of Establishing an Asian Space Agency*, 5 SING. J. INT’L & COMP. L. 214-226 (2001).

⁴² James Clay Moltz, *China, the United States, and Prospects for Asian Space Cooperation*, 20 J. CONTEMP. CHINA 71 (2011).

⁴³ *Id.* at 72.

⁴⁴ From the literal meaning, ‘Asia-Pacific’ is supposed to mean Asia, and ‘west’ refers to traditional spacefaring powers.

⁴⁵ The factors in this context include bureaucracy, financial support, and effective coordination by a governmental organization.

⁴⁶ Wing H. Ip, *Lessons Learned?*, in *MICROSATELLITES AS RESEARCH TOOLS: PROCEEDINGS OF COSPAR COLLOQUIUM ON MICROSATELLITES AS RESEARCH TOOLS HELD IN TAINAN, TAIWAN, 14-17 DECEMBER 1997* 127 (Fei-Bin Hsiao ed., 1999).

⁴⁷ *Supra* note 42, at 77.

⁴⁸ *Id.* at 78.

While space technologies and activities have high sensitivity in terms of possible uses for military purposes, space law could well be a neutral area of common interest to Asian society. By carrying out space law-related education, training and research, the countries in this region can keep on a par with other regions in the world with high-quality education and research. With common understanding of space laws and principles, the countries can formulate their own national space laws to provide space programs for themselves. Such cooperation can also provide a basis for these countries to work together to resolve some seemingly sensitive issues in a neutral and academic manner.

III. Institutional Capacity Building for Space Law Promotion in Asia

Space law cooperation, not having been covered by the existing regional organizations in Asia, is a field necessary for immediate attention. The two other regions, Europe and North America, have advanced the education and research of space law. Europe, consisting of many small-sized countries, already set up the European Center for Space Law (“ECSL”) in 1989 in order to take up the important task of promotion and cooperation of space law.⁴⁹ The achievements of the ECSL have been well recognized around the space law circle. With large number of nations in Asia, it would be advisable to have some similar body in place to take over the task in the region.

Then, the question may arise process of establishing this body. An easy approach is to use one of the existing regional organizations as a basis and extend its functions to cover promotion of space law. Indeed, the APSCO has expressed its intention to establish a Research Center for Space Law & Policy in the APSCO headquarters and develop some branches in member States.⁵⁰ This issue was further discussed in its Space Law Forum held in Harbin, China in July 2011.⁵¹ It would be interesting to keep a close eye on this new development.

⁴⁹ *Supra* note 11.

⁵⁰ APSCO, First Announcement: APSCO Space Law Forum, available at <http://www.apsco.int/First%20Announcement%20on%20APSCO%20Space%20Law%20Forum.pdf> (last visited on Sept. 12, 2011).

⁵¹ APSCO, APSCO Attended the 50th Session of the UN-COPUOS Legal Subcommittee. In this session, Mr. Ahmad Talebzadeh, a keynote opening speaker “reiterated the importance of space law in regional cooperative activities and its function in guiding space activities. This is the reason for APSCO to initiate the Asia Pacific Research Center for Space Law. Extensive discussion on this initiative will be discussed during the seminar which is due to be held in July 2011,” available at http://www.apsco.int/newsCont.aspx?news_id=11099 (last visited on Sept. 12, 2011). Unfortunately, this conference was later cancelled, but the discussions are still going on.

It is commendable to see that the APSCO is making some efforts. At least, we have an existing body to take over the task of space law promotion, which can largely save the time and energy to start everything anew. People in this region should thus keep a close look at the new trend. The APSCO can fill the gap in the region and take up a role in promoting space law, whose influence can never be overlooked.⁵²

It is unfortunate that the APSCO has now only seven members. Two leading countries of this region, Japan and Republic of Korea are even outside this forum. Their absence can be a fatal element to obtain the purpose of space law promotion in the region because they are economically and technically advanced. The same problem exists with the other two organizations (APRSAF and CSSTEAP). Technical cooperation would be quite different from cooperation in the legal promotion of space activities. A neutral platform should be thus grounded so that States in the region are willing to join it.

In order to secure the participation and cooperation from as many members as possible in the region, it would be advisable to have a separate and independent organization in charge of space law promotion, insinuating from the sensitive area of space technologies and their applications. Due to the pure academic nature of space law, the proposed body can, to a large extent, dissipate concerns and dubious attitudes from the countries in the region. If a neutral body has its sole focus on academic purpose, the result would be successful in the end.

Following the European model, the Asia-Pacific Space Law Center (“APSLC”) would be proposed. This can show the counterpart of the ECSL in the same area. The ECSL was established at the initiative of the ESA and thus the membership was restricted to natural and legal persons from the ESA member States, Associate States and other European States having concluded a Cooperation Agreement with the ESA and who are interested in the development of space law and who accept the ECSL Charter.⁵³ Compared to the ECSL, future APSLC shall be open to natural and legal persons in the region who are interested in space law and accept the APSLC constitutional documents.

The APSLC is financially viable in the first place. In this regard, the supports from the countries in the region shall be essential. This is even more important for the initial startup of the APSLC. In the long run, the APSLC is required to be financially independent and viable. Members are expected to pay annual membership fee. Sales revenues from the publications of the APSLC from the symposia and conferences can be

⁵² Haifeng Zhao, *Current Legal Status and Recent Developments of APSCO and its Relevance to Pacific Rim Space Law and Activities*, 35 J. SPACE L. 593-594 (2009).

⁵³ ECSL, About ECSL, available at http://www.esa.int/SPECIALS/ECSL/SEMPZMGHZTD_0.html. The ECSL Charter is available at http://www.esa.int/SPECIALS/ECSL/SEMG7UWJD1E_0.html (all last visited on Sept. 12, 2011).

another channel; annual training programs shall be another important financial source for the APSLC. The objectives of the APSLC can be adapted from the ECSL model as follows:⁵⁴

1. to exploit and complement the efforts made and the resources available in the region in the field of space law research;
2. to promote knowledge of and interest in the law relating to space activities;
3. to provide for exchanges, including through the organization of colloquia and other meetings, of information and ideas across disciplinary and national lines;
4. to identify themes related to space law in which university research and training at degree, doctoral and post-doctoral level should be encouraged;
5. to identify areas of space-related activity in which regulation is appropriate, and to discuss and propose principles and draft norms which may then be promoted at national or regional level; and
6. to promote the establishment and development of national centers for space law research and to assist them by providing the access to research resources throughout the region, and by giving them technical and other advice.

As such, the APSLC shall have the function to coordinate the space law research and education, facilitate the exchange of national space laws and policies, and disseminate knowledge of space law within the region. It would further function as one important contact point for inter-regional space law cooperation. In line with the above adapted objectives, the APSLC can organize important annual events. Symposia, workshops, conferences and training courses are general means to disseminate knowledge of space law in the region. The APSLC could also be an ideal body in charge of the Asian round of Manfred Lachs Space Law Moot Court Competition⁵⁵ or creating a new space law moot court competition in Asia.

The APSLC shall also promote the space law research. Expert team should be organized to conduct research project on various space law issues facing the region in recent years, such as climate change and disaster management.

When it comes to internal structure, similar to that of the ECSL, the APSLC shall have a General Assembly, which shall be open to all the APSLC members and meet every two years.⁵⁶ This body shall be the organ of power, making decisions on strategic issues of the APSLC, such as members for the APSLC management team, budget and

⁵⁴ ECSL, Introduction to the European Center for Space Law, available at <http://www.esa.int/SPECIALS/ECSL> (last visited on Sept. 12, 2011).

⁵⁵ See the official website of the Manfred Lachs Space Law Moot Court Competition, available at <http://www.iislweb.org/lachsmoot> (last visited on Sept. 12, 2011).

⁵⁶ About ECSL, *supra* note 53. For the ECSL, its General Assembly meets every two years and is open to all the ECSL members.

financial contributions.

The APSLC Board shall be the management team for the Center; it shall be responsible for the management of the Center, the execution of the projects and the attainment of the objectives of the Center. The Board members shall be elected for a term of three (or for any period deemed appropriate) years by the General Assembly.⁵⁷ The Board shall have its Chairman, Vice Chairman or Chairmen and several senior members. A secretariat shall be set up for daily management and promotion of Center's activities.

The above suggestions for the APSLC are largely based on the current administrative arrangements of the ECSL. Such arrangements can similarly work for the APSLC on the following considerations. The field of space law cooperation is relatively a neutral area, which offers the optimistic future for the establishment of the APSLC. The administrative arrangement and operational mechanism of the Center is even less sensitive; since the ECSL is a successful model, there is no reason not to learn and borrow experience from the ECSL at the preliminary stage of establishing the APSLC.

The location of the APSLC headquarters would be another question. It should be seated in a neutral and relatively convenient place where most of member States can easily have access. It would not be very difficult in finding such an ideal place in Asia, a culturally and geographically rich region. If selected from current member States of the APSCO, possible options include Bangkok and Beijing. Other options can include Singapore, which can be the delta of space law "both to Asia, as well as to the category of small, developing countries."⁵⁸

Finally, the establishment of the APSLC should require the full support and recognition of the countries in the region. While the neutral and academic nature is important to the success of the APSLC, without the support and recognition from the member States, the APSLC will encounter various obstacles and possibly never come to reality; even if established, it would not successfully achieve the results it expected. As Lafferanderie has stated, the political drive, at the highest level, is necessary during not only the initial period for the establishment of the organization, but also the subsequent period for the normal operation of the organization.⁵⁹

It would thus be important to build consensus in the first place among academics, scientists, high-ranking officials from the Asian countries on the establishment of the

⁵⁷ *Id.* It(Structure) reads: "Members of the ECSL Board are elected for a period of three years by the General Assembly."

⁵⁸ Gerardine Meishan Goh, *Ethir: Singapore as a Delta for Space Law in the Asia-Pacific*, THE FORTY-SEVENTH COLLOQUIUM ON THE LAW OF OUTER SPACE PROC. 78 (2005).

⁵⁹ GABRIEL LAFFERANDERIE, OUTLOOK ON SPACE LAW OVER THE NEXT 30 YEARS: ESSAYS PUBLISHED FOR THE 30TH ANNIVERSARY OF THE OUTER SPACE TREATY 427 (1997).

APSLC. In this regard, the APSCO “has a higher level of international legitimacy due to its legal status as a regional space organization;”⁶⁰ with strong governmental support, the APSCO appears to be again a good starting point to serve as the forerunner for space law cooperation in the region. With an initial smooth start as a research center under the APSCO, it could slowly revert to an independent body after obtaining sufficient support; through the years, the Center can develop into an independent space law center for the region. Thus, the author firmly believes that the APSCO’s space law research center initiative to be the second best approach to the APSLC.

Pragmatically speaking, the APSCO’s initiative is much easier to be put into practice. With solid foundation and financial support, the space law research center can be well set up and positioned in the current framework of the APSCO. The research and the APSCO can be mutually beneficial. Similar to the ECSSL, the center’s membership shall go beyond the APSCO member States. As stated in the APSCO’s constitutional document (“APSCO Convention”), any State member of the UN or other international organizations involved in space activities may be granted the Observer’s status; a State outside the region and the member of the UN may apply for granting the status of the Associate Member.⁶¹ Accordingly, the Center’s membership can include natural and legal persons from Observers, Associate Members and any other countries which have cooperation agreement with the APSCO. In this way, the cooperation in the space law area can break through the limits of the APSCO and consequently bring as many members in the region as possible within its mandate. The structure and activities of this research center can adopt similar model as discussed above for the APSLC.

IV. Conclusion

In this article the author has reviewed the possible means to promote space law research and education in Asia. International cooperation in space activities has been well recognized and practiced around the world. The cooperation in the area of space law is one area not to be missed out. Globally, the United Nations Committee on the Peaceful Use of Outer Space (“COPUOS”) plays an important role in the space law promotion.⁶²

⁶⁰ David Kuan-Wei Chen & Stephanie Wan, *Space Cooperation in the Asia-Pacific: The Story (or Stories) of APSCO and APRSAF*, INTERNATIONAL INSTITUTE OF SPACE LAW 2009 PROC. 47 (2010).

⁶¹ The APSCO Convention art. 9.

⁶² The Secretary of Legal Subcommittee of the UNCOUOS, the United Nations Office for Outer Space Affairs, specializes on space law promotion as follows: “In accordance with the Action Plan endorsed by the General Assembly in its resolution 55/122, the Office provides information and advice, upon request, to governments, non-

The ECSL was set up in 1989 to take over the task. However, the Asian region has lagged far behind in the area. The existence of the three space organizations in Asia demonstrates the clear intention in the region for cooperation in the space technologies area.

However, such cooperation faces severe challenges due to various factors, such as the cultural and historical differences among the Asian countries and the sensitivity in terms of how space technologies are related to national security. Space law, one relatively neutral subject, could be one of the best areas to advance space cooperation in the region to a higher level. It is good to see that the APSCO has already had the idea of setting up a section in charge of space law cooperation. While there are no better initiatives, this can be taken as the best starting point for the time being and serve as transitional mechanism for space law cooperation in the region.

In the long run, it would be advisable to have a separate body, such as the proposed APSLC in this article, to take over the task. We need to focus on the academic nature of space law cooperation. The neutrality and independence of the framework for space law cooperation can serve as impetus for members to take the same steps forward space law promotion in the region.

