



International Conference on National Space Legislation

FEBRUARY 27, 2021

**Report of International Conference on
NATIONAL SPACE LEGISLATION**

Prepared by:

Dr. Shouvik Kumar Guha & Ms. Soumya Gupta

The Centre for Aviation and Space Laws (CASL), West Bengal National University of Juridical Sciences, Kolkata organized an international conference on the theme of “National Space Legislation” on 27th February, 2021. The CASL carries the mandate of exploring, analysing and critically evaluating the legal developments in the aviation, space and allied industries to lead the way forward. The conference marked the participation of esteemed resource persons from international and national arenas, including academicians, scholars, aviation law practitioners as well as students. The goals of the conference were to initiate pertinent discussions in the domain of national space legislations across the globe and to find solutions to various challenges like environmental hazards, exploitation, liability, etc. faced during the process of drafting such legislations.

The conference started with the inaugural address delivered by the Director of CASL, Prof. (Dr.) Sandeepa Bhat B., wherein he sought to decode the approaches adopted by various countries in drafting their respective national space legislation. This was followed by the address delivered by Prof. (Dr.) Joanne Gabrynowicz, Director of the National Centre for Remote Sensing, Air, and Space Law in University of the Mississippi Law Centre, USA, who spoke about the recent changes in the US national remote sensing laws. Subsequently, Dr. Eligar Sadeh, the CEO and Founder of the Astropolitics Institute and Astroconsulting International LLC, USA ended this session after deliberating on the topic ‘Astropolitics: The Ecosystem of Space Project’ – in course of this exercise, he conveyed a detailed account of the conceptual evolution of astropolitics as a discipline encompassing civil, commercial and military activities worldwide that address historical, political, strategic, political, bureaucratic, organisational, environmental, economic, legal, commercial and business factors at play in the domain of outer space.

Following the inaugural session, Prof. (Dr.) Steven Freeland from Australia presented on the topic of ‘Possible Future Exploitation of Space Natural Resources: National Law as a Part of the Conversation’ during the first technical session. Prof. (Dr.) Fabio Tronchetti from China, the Co-Director of the Institute of Space Law and

Strategy, spoke after this in an engaging effort to emphasise on the importance of the Artemis Accords, which originating from the USA but open to other countries for signing, represents one of the most innovative yet controversial developments in the outer space law and serves as a regulatory instrument that provides a legal framework applicable to the activities undertaken under the Artemis program.

This session also had four paper presentations. A group of four members of the Indian Space Research Organisation, Mr. Sandeep Garg, Mr. K.M. Arya, Mr. G. Harikrishnan & Mr. Imtiaz Ali Khan, jointly presented a paper on the perspective on exploitation and utilization of space resources. Dr. Rohit Roy & Ms. Amrisha Tripathi, both professors of law in India, followed them with an insightful presentation on the environmental hazards in outer space, highlighting the glaring need for secondary laws. A practising advocate in India, Ms. Sanchi Dhamija, provided a lucid explanation after this on the growing need to balance the goals of sustainable space exploration with corporate interests and military defence. Finally, Nikshey Bhavith V., a legal advisor from India, presented a discourse on the legalities of space warfare to conclude the session.

The second technical session started with a presentation by Prof. (Dr.) Kai-Uwe Schrogl, the President of the International Institute of Space Law, France, on the new contexts for national space legislation and responses to such developments. The presentation started by discussing the challenges to international space law like maintaining peaceful uses of outer space, providing a sound regulatory framework for commercial and private uses of outer space, etc. Later, the discussion continued with national space legislation in the new global economy, space traffic management and space security and cyber security. Prof. (Dr.) G. S. Sachdeva from the NALSAR University of Law, Hyderabad took over the reins of discussion after this and carried it forward by his eloquent speech focusing on the privatisation of space activities and national legislation. Recent decisions concerning this issue were also analysed by Dr. Sachdeva in course of this speech in order to predict future issues that may arise in this sector.

The three paper presentations in this technical session were from the faculty members and researchers from various law schools across India. Dr. Debashis Poddar presented a paper on strengthening the constitutional foundation of national space legislations. Ms. Saloni Bahl discussed the need for a national space legislation vis-à-vis new space policy. Lastly, for this session, Ch. Amrita Gulshan spoke on the topic

of development of remote sensing and data protection policies in the age of commercialization in India.

The third and final technical session started with the presentation by Prof. (Dr.) Ricky Lee, an internationally renowned scholar and partner at an Australian law firm. He spoke at length on the adequacy of these space laws in dealing with international liability arising from activities that do not relate to launch activities. This was followed by the presentation by another resource person, Prof. (Dr.) Mahulena Hofmann from Luxembourg, which highlighted the various features of the Second Space Law of Luxembourg and the circumstances behind its entry into force. Her presentation emphasised on how space law developed in Luxembourg in sharp contrast with the Indian scenario, responding to the specific national needs and eventually expanding to space operators gradually.

Subsequently, Dr. Shouvik Kumar Guha and Ms. Maathangi Hariharan spoke on the aspect of regulating the use of artificial intelligence in outer space. They first explored some of the problems that could arise in future while using artificial intelligence in space such as the usage of intelligent space objects and associated liability and then delved into the possible solutions for the same. Following this, Mr. Dayanand Singh & Mr. Harikrishnan G. presented on the topic dealing with challenges in cross-border flow of space technology and mitigation. Ms. Ranu Tiwari, a space law student-enthusiast, led the discussion towards exploring the issues of criminal liability and responsibility in outer space, as well as the possible approaches to the same that may be undertaken by India. Ms. Gazal Sancheti & Ms. Varada Jahagirdar, the last presenters of the Conference, spoke on the need to tax the space economy. This, they posited, will be a giant leap forward in the taxation regime and will also affirm the significance of tax law in the arena of outer space.

Every session had a dedicated Q&A session spanning twenty minutes, which was found to be considerably engaging and productive with participants raising quality questions and the expert resource persons responding to the same. Overall, the Conference, an inaugural event of the CASL, was quite successful in reaching and involving various stakeholders, having witnessed representation from members of organisations like the Indian Space Research Organisation, space industry, legal practitioners, academics and space law enthusiasts. The thoughts presented and issues addressed in the conference helped in providing a wider spectrum to deliberate on draft of national space legislation, and the resulting scholarship was deemed to make a rich contribution to the existing literature and policy-framing.