

IISL-95-IISL.4.01

A UNIVERSAL BILL OF RIGHTS FOR OUTER SPACE

by

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Abstract

Humanity possesses a vital interest in the peaceful and efficient exploration, exploitation, and use of outer space, per se, the Moon and other celestial bodies, and in their natural resources. These will be referred to as "the space environment." If this goal is to be realized it is necessary that the space environment not be polluted or contaminated.

There is a need. That need is that for humans to respect the space environment. Put otherwise the space environment is entitled to be protected against all human activities that would have an adverse effect on its essential quality and utility for human use.

There is a means to obtain that result. That means is to promulgate and obtain compliance with a Universal Bill of Rights for Outer Space.

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Prolegomena

In 1958 the United States with the Launch of *Vanguard* 1 embarked on a commitment to space activity which has endured to the present. From that year to the end of 1993 the United States launched successfully 1,004 satellites. During that period the Soviet Union and the Confederation of Independent States launched 2,416. At the end of 1993 twenty-four countries and three international intergovernmental organizations had 2,169 payloads in orbit. These satellites were distributed throughout low earth orbit (about 200 miles), medium earth orbit (400-500 miles), and geostationary orbit (22,300 miles).

Satellites have unharnessed ancient and long-abiding constraints on communication. Without Earth-orbiting space objects the current snowballing interest in private possession of eighteen-inch TV disks, capable of receiving hundreds of stations through direct television technology, would be nonexistent. The rewards of a greater awareness of natural similarities and differences would not have been challenged and fulfilled.

Satellites, equipped with global

positioning systems allow us to know, with a very high degree of certainty, the location of other space objects, aircraft, maritime vessels, including submarines, and Earth-based vehicles. These satellites, which are engaged in particular aspects of remote sensing, are used to identify many events, such as weather patterns, the location of land-based and space-based natural resources, the status of crops and forests, soil erosion, and natural disasters. Such satellites have been used to verify troop positions, as in the Desert Storm Middle-East crisis and the disposition of military forces during the Cold War.

Although a number of countries have cried out that being subjected to non-consensual remote sensing constituted a violation of their national sovereignties and an international breach of alleged "rights of privacy," these contentions have been generally and firmly disavowed.

Through possession of remote-sensing capabilities States have contributed measurably to military stability. In the view of these States, if a potential adversary were aware that its military operations and maneuvers were under surveillance, circumspection would prevail. In such circumstances the inspected country is not likely to attempt a preemptive strike or other aggressive measures against a potential adversary. In this manner military remote sensing has been perceived as an inducement to peaceful behavior and as a fully justifiable defensive procedure.

In a clinical sense remote sensing satellites can look downward, inward, outward, and upward. The Hubble Space Platform serves humankind's vast interest in exploring the nature of the universe.

While telescopes and other sensing devices have as yet failed to discover the presence of sentient beings in the space environment, the search for extraterrestrial intelligence has gathered considerable public interest, and until quite recently, modest governmental funding.

In the inventory of practical applications satellites have been used to advance education, business operations, and environmental protection. Sparsely inhabited areas have come to rely on space-based communications for contacts with the rest of the world. Careful studies have been made to determine the practicality of capturing solar energy and returning it via non-radiating microwaves to Earth where it could be readily converted into electrical energy.

Humanity's interest in outer space is not to be determined only by the foregoing. Measured in a less tangible manner are those satisfactions derived from the sense of adventure, by the sense of discovery, in confronting and overcoming the challenges presented by a human presence in an extrahazardous environment, and by the feeling of achievement open to those who have measurably extended the range of human capabilities and knowledge.

Not an insignificant international network of humans has emerged to direct and to support outer space activities. They reflect all areas of human thought and endeavor ranging through science, technology, education, the humanities, law, medicine, and widely diversified business and governmental concerns. Their interests exist without reference to nationalities and political ideologies.

In many developing countries there is a high degree of involvement in contributing to and sharing in the benefits produced by the space age. Extensive interpersonal contacts have produced a sense of world community in this inherently transnational area. These professional contacts have contributed to the larger condition of better international relations.

A strong case can be made for humanity's interest in outer space. But one must ask, how large an interest can people afford? How many tax dollars can be justified by costly space activities? What business risks should the private sector undertake? What allocations of public funds should be made to repairing existing social needs such as fragile family structures, the welfare status of the underprivileged, medical care for the poor and infirm of all ages, the war against violence, terrorism, the drug epidemic, plagues and disease? What of the delayed maintenance of a nation's physical infrastructure: roads, bridges, sanitation facilities, water supply, flood control measures, and public housing? Quite clearly there is a need for a balanced approach.

As one seeks to attain the proper balance two factors must be taken into account. All governments owe their citizens the condition of national security. This requires the continual resupply of highly trained scientists and engineers and the continued vitalization of the educational process. One way for a reservoir of such specialists to be available is to provide public funding for space activities. Better that such professionals be employed in such endeavors than to be engaged in building and perfecting

nuclear weapons and other weapons of mass destruction.

Secondly, there are those who believe that expanded communications constitute a liberating influence in a world beset by authoritarian ideological perspectives. Communications have provided a means for understanding and promoting basic democratic values. Through broadcasts reaching across national frontiers both leaders and followers can become aware of basic common rights, the virtues of democratic dignity, and the precious rights of freedom of religion, speech, press, and assembly guaranteed in the Bills of Rights of many countries. And for those, especially in the world's poorer countries, where demands for such basic human needs as food, clothing, shelter, education, and health care are dominant, reliance on space-based communications may promote higher standards of living.

Through an intelligent exploitation of outer space and its natural resources basic human rights and fundamental human needs may yet become a reality.

A Universal Bill of Rights

The Bill of Rights must protect those who use, explore, and exploit the space environment for humanitarian, commercial, scientific, and technological objectives. Additionally, the Bill of Rights must protect the space environment on its own account. Only absent a polluted and contaminated natural space environment can humans maximize the proper use of that environment.

To these ends a Universal Bill of Rights for Outer Space should as a

minimum call upon every individual and every organ of society to promote respect for and secure the universal and effective recognition and observance for all peoples who engage in space activities of:

1. The right of free and equal access to the space environment in accordance with international law;
2. The right to benefit from and share in the use of products resulting from commercial and scientific activity in the space environment, subject to the right of individuals to be protected in the intellectual property created by them in the space environment;
3. The right of peoples and organs of society to engage in international cooperative activities in the space environment;
4. The right to have a space environment that is used exclusively for peaceful purposes;
5. The right to a clean space environment;
6. The right to create institutions designed to promote the beneficial use of the space environment;
7. The right of all who engage in space activities to enjoy the rights set forth in the 1948 United Nations Universal Declaration of Human Rights, with special reference to the right to live in dignity and to enjoy the privileges and prerogatives of an open society and to engage in the free dissemination of ideas.