

ON PRIVATE, STATES AND INTERNATIONAL PUBLIC INTERESTS IN SPACE LAW *

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*'Man's venture into space should
increase his sense of responsibility.'*
Manfred Lachs (1)

Abstract

This paper deals with the hierarchy and the interrelationship of private, States and public interests in international space law. Our purpose is to discuss which of these interests must have priority in relation to the others and try to outline a more fair and equitable balance among them in order to stimulate the rightful achievement of each one of them, avoiding harm to the others.

Introduction

The need of setting up an stable hierarchy among private, States and public interests in international space law is becoming crucial as space "is ruled by the Machiavellian realisms of power politics". (2) In reality, interests of some States and private enterprises move themselves with extreme dynamism in the use of outer space, looking for its own specific objectives and creating a great number of *faits accomplis* in a growing rhythm.

Under this situation, one can have enough reason for being concerned about the international public interest as a sole possibility for a genuine objective criterion, rational and healthy, for the evaluation of the space activities. At the same time, one must be careful in this essential process, in order not to discourage, but, on the contrary, to stimulate at the most the highest legitimate and renderable States and private enterprises interests.

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This kind of reflection will certainly be required in the international efforts to prevent the extension to outer space and celestial bodies of distortions and destruction generated in our planet by the entirely unbalanced relation among private, States and public interests. It might as well direct all those interests towards more useful and reasonable goals.

It seems that, sooner or later, we could meet the great challenge of a stricter regulation of space activities. In this task our objective would be to select accurately and optimize the best interests involved on the use and exploitation of outer space. Of course, we must translate these interests in through legal provisions. One cannot forget that those activities are absolutely essential to our planet's survival, for the security and development of all countries and peoples, and in general for the effective evolution of human species, which is the ultimate Earth contribution to the Universe.

Having in mind the vital role of international public interest in a more precise and responsible outer space regulation, it looks useful to examine its origins and legal sources.

The concept of public interest in international law

The idea of international public interest is not a new one. The belief in a universal order working towards the highest well being for all men takes hold of "the unquiet souls from the end of the XVI century", as taught by Manfred Lachs (3), and gets to shine amidst the French revolution. In his "Declaration of the Peoples Rights", issued in 1793, Abbot Gregory states that "a people strict right is subjected to the general interest of the human family". (4) Nevertheless, it's proposal doesn't go through the narrow National French Convention's sieve.

The XIX century, with nationalist explosions, great economical advancement and the European colonial expansions, sets a limit to the development of the International Law to the scope of the "civilized nations". Mankind, as a symptom, is divided into three groups by James

Lorimer: the “civilized”, the “barbarian” and the “savage” (5). The idea of mankind replaces those of god discarded by August Comte’s positivism, who dreams of seeing all men in the world working towards the happiness of that new god, which is, notwithstanding, purely white and European. (6)

The idea of public interest appears in the International Law at the beginning of this century, when States begun to feel the need to seek the support from the aspirations, values and rights of humanity to strengthen the most important multilateral treaties.

In this way, the Countries Parties of the 1907 Hague Convention Respecting the Laws and Customs of War on Land declared themselves “animated by the desire to serve, even in this extreme case (where the appeal to arms has been brought about), the interest of humanity and the ever progressive needs of civilization”. (7)

Following The Hague Convention, the Treaty Providing For The Renunciation of War As An Instrument Of National Policy (Briand-Kellog Pact), signed in 27 August 1928, states that its signatories are “deeply sensible of their solemn duty to promote the welfare of mankind”. (8)

The determination towards banning the use of force in the international relations is enlarged by the Charter of United Nations, from June 26, 1945. Establishing the basis for the international order after 2nd. World War, the Charter begins by pointing out that “the scourge of war, which twice in our life-time has brought untold sorrow to mankind”. (9) For the first time in history an universal document acknowledges not only that war is no good to mankind, is no good to the peoples, being thus incompatible with the public international interests, but also, coherently, it interdicts the threats and the use of force in international relations.

The Charter retrieves, this way, the humanistic approach from the Hague and from Paris under the impact of the two first wars defined as world wars, the largest in history. It drafts the idea of mankind as a parameter for the evaluation of facts that takes over serious global implications.

That idea got a few practical and important developments, mainly with the adoption of the concept of “crimes against mankind”, which is fundamental to the struggle against genocide and racism, and with the advancement, difficult but remarkable, of the universalization of the human rights. However, we are still very far from having “the view point of mankind” as basic principle of international law.

By the other hand, we witnessed the arousal of the “common heritage of mankind” doctrine, largely developed by Argentinian Professor Aldo Armando Cocca. (10) In 1967, it has been revived by Maltese Ambassador Arvid Pardo during the law of the sea debates in the United Nations. (11) The Antarctic, the High Seas and Outer Space have, by agreement between States declared the “common heritage of mankind”. The 1979 Moon Agreement (12), which became into force in 1984, states

that the Moon and other celestial bodies are common heritage of mankind. According to this principle, the benefits derived from the resources of those areas would be used for the common advantage of all peoples. It is true that so far this principal didn’t work entirely. Never mind. The strength of this idea in a world deeply unbalanced and going to a glabolization process, is so huge that it is almost impossible to image its disappearance.

“Mankind is the latest of the great discoveries”, remarks René-Jean Dupuy in his recent book “Mankind in the imaginary of nations”. Right in the first lines, he points out that “writing on mankind towards the end of the century, that knew of Verdun, Auschwitz, Hiroshima, Beirut and Gulf War, may seem either innocent or subversion.” Nevertheless, he doesn’t take long to raise a question, to which the answer was implicit and opened a new perspective: “Wouldn’t it be this the arrival of mankind to history an imposition over the nations for a demand for the harmonization of their politics with the universal well being?” (13)

Has mankind already reached history? Maybe not entirely yet. However, who would risk to say that mankind is not getting there at all? We can say that here, as in the tale, the genie is out of the bottle. The idea of mankind cannot be desinvented and knowledge about its needs and demands cannot be expunged. Not by chance, the necessity of harmony between nations’ (and corporations’) politics and the universal well being is becoming a key question among the most relevant international issues, including the strategic outer space activities.

The future of the concept of international public interest

We can, by logic and common sense, suppose that the future of the international public interest is to be defined as wider as possible. Undoubtedly it is not easy to do it, but it must be done. This undertaking will demand a great commitment from us and a hard political effort. However, it seems clear that the vertiginous advancements of knowledge and new technologies impart us with a growing duty towards trying to draw this interest.

The concept of international public interest certainly is a historical one. In different times there were different possibilities of determining its content. The more democratic rules turn out in the international life, and especially in the international decision making, the more these possibilities will be enhanced.

In the present and the future world we have, as never before, the means to detect the common interest of all mankind to the most relevant world questions. We already hold a great deal of specialized knowledge enough to reach objective evaluations. The difficulties to attend to the great common interests of mankind surely are of political and economic nature. There are remedies, but conditions to apply them at the necessary scale are lacking.

It is clear today that the international relations are not only constituted by States and private enterprises. An increasing international public opinion comes forth. It

expresses ideas and holds positions through many different social, cultural and political organizations, and gains an increasing importance on international affairs. States and private interests, however powerful, seem to be by themselves unable to represent the most general interests on today's Earth, i. e. the global public interest. This fact is becoming evident along the economic and cultural globalization process, in which the private interests are prevailing.

We have the privilege to testify the birth of a global civil society. The 1994 Report of The Commission on Global Governance (14) notices that "among the important changes of the past half-century has been the emergence of a vigorous global civil society, (...) assisted by the communications advances, which have facilitated interaction around the world". The number of non-governmental organizations (NGOs) grew from 176 in 1909 to 28.900 in 1993. (15) It reflects their increasing role.

To the full evolution of this global civil society, "there is a need to weave a tighter fabric of international norms, expanding the rule of law worldwide and enabling citizens to exert their democratic influence on global processes", as stressed Ingvar Carlsson (Sweden) and Shridath Ramphal (Guyana), Co-Chairmen of The Commission on Global Governance, in the Report. (16)

Of course, this "fabric of international norms" must be underpinned by certain common values and interests, among which the sense of common responsibility for both present and future generations. States will still play an important role in the shaping an new world order over the course of the next decades, with leading states exerting considerable influence, but "statist future will be modified by market forces of various kinds and by the democratizing struggles of peoples and their associations and movements in many local, national, regional, and global settings". The aim of these struggles hardly will be other than "the strengthening of global civil society animated by an agenda of demilitarization, democratization, equitable and sustainable development, environmental protection, cultural pluralism, human rights, and global governance". (17)

It is not wishful thinking, nor faith in some remaining of historic determinism that already proved to be runny and naive. Dangerous tendencies that are also growing in present time must be met with determination, competence and the right perception of public interests. It must be said, without any exaggeration, that the world can still become even more cruel, irrational and arbitrary than today, notwithstanding the great conquest of human civilization. For this reason, it will certainly be necessary to decide, with the highest of consciousness, between some key options presented.

"We can, for example, go forward to a new era of security that responds to law and collective will and common responsibility by placing the security of people and of the planet at the center. Or we can go backwards to the spirit and methods of what one of our members

described as the 'sheriff's posse'— dressed up to masquerade as global action." (18)

In the same sense, as Harvey Meyerson warns, we have to choose between "to support the development of democratic systems on the space frontier" or to swallow "the development of totalitarian systems of human organization in space and the consequent collapse of the entire scheme of values upon which the most honored virtues of modern civilization are constructed." (19)

In other words, the international public interest is at stake.

The concept of public interests in international space law

On the subject of principles, the international space law had a good beginning. Its backbone, the 1967 Outer Space Treaty (20), is "inspired by the great prospects opening up before mankind as a result of man's entry into outer space", as it is stated in the first line of its preamble. It recognizes "the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes", believing that "the exploration and use of outer space should be carried on for the benefit of all peoples irrespective of the degree of their economic or scientific development". It also desires "to contribute to broad international co-operation in the scientific as well as the legal aspects of the exploration and use of outer space for peaceful purposes" and believes that such co-operation will contribute to the development and to the strengthening of friendly relations between States and peoples." Coherently, the Outer Space Treaty establishes in its Article I that "the exploration and use of outer space, including the moon and other celestial bodies (...) shall be the province of all mankind."

Considering the nature of the Outer Space Treaty, it is appropriate to recall what said the eminent judge Manfred Lachs — who chaired the committee that elaborated the draft of this agreement —, presenting it to the Political Committee of the United Nations General Assembly in December 1966:

"... there is one basic consideration in the evolution of this law which the documents produced hitherto and the Treaty presented to you made clear: the law of outer space, by its very nature, is anthropocentric..."

"... the very objective of the law of outer space... should serve the interests of all nations and the protection of life, terrestrial and extraterrestrial and serve international peace and security. With that in mind while adopting what we have achieved today, we should continue with our work tomorrow. In doing so we shall create a whole system of rules and regulations concerning outer space: a *corpus juris spatialis*... Man's venture into space should increase his sense of responsibility. In fact it has made it even more imperative to eliminate the sources of evil, strife and conflict on our own planet..." (21)

Thus, by the letter and the spirit of the Outer Space Treaty, there can be no doubt that the principle of

international public interest was adopted in its highest level by the space law. At this point, the space law overcame the international law. It is a paradoxical situation. The planet Earth, where space law was born holding the common interest of all mankind as a milestone, is still ruled by a law within which this compromise doesn't exist.

The content of the concept of public interest in international space law

It is an open question. The principle of international public interest has not yet acquired the detailed development it needs to have an effective weight upon the decision making processes in space policies and programs.

This problem is mainly related to the interpretation of the Article I (§ 1^o) of the Outer Space Treaty: "The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind."

The Legal Subcommittee of the United Nations Committee for the Peaceful Uses of Outer Space (COPUOS) has been discussing this provision since 1989. However, the discussions have been more focused on the question of sharing benefits of outer space. This aspect is relevant, but not less relevant is to outline concrete guidelines expressing the common interests of all mankind as basic criterion for all kind of space activities. It is just what could guarantee better conditions for the exploration and uses of outer space today and tomorrow.

To Prof. Lubos Perek, "management of outer space is everything that improves safety, efficiency and economy of space activities for our own and future generations." (22) In reality, it is a good, large-minded management. It is a management that certainly matches to the international public interest. However, there are also other kinds of management of outer space, that reflects one-sided interests of States, international intergovernmental organizations or private enterprises. Incidentally, the same Prof. Lubos Perek proposed a list of items that can serve as an example of "good management of outer space":

- "preventing interference in space communications;
- preventing material interference among objects in space;
- wherever feasible and useful, separating traffic of active and inactive objects;
- wherever feasible and useful, separating traffic according to application of satellites;
- preventing human error in manufacturing and operation of spacecraft;
- preventing technical malfunction of spacecraft;
- providing information on location and motion of objects in space;
- using space only for reasonable and beneficial purposes;
- creating an organizational structure for the above which are not covered by existing bodies."

This list and the development made by the author in each of its items give us a positive contribution for a long reach definition of the international public interest in space activities.

Explaining the proposal of using space only for reasonable and beneficial purposes, Prof. Lubos Perek recommended that "some restraint or consideration should be exerted (...) for missions that we could well do without." He noted a concerning uncertainty in the actual practice. Hence his question: "Isn't the door open for missions which do no good at all or do more harm than good?" It indicates a lack of awareness of the public interest in this field.

Prof. Mireille Couston has analyzed different opinions on the content of the wording "for the benefit and in the interest of all" and found out three general kinds of duties:

- The duty of not misusing outer space resources, in order not to harm the space activities of other countries;
- The duty of not developing outer space activities in detriment of other countries;
- The duty of not using outer space only for the benefit of space powers and also of behaving with responsibility vis-à-vis the other members of international community. (23)

Today these duties look too much general. They require acute development in detail.

Another valuable contribution to the elucidation of the international public interest in space activities is at least three proposals of the international regime to be established to govern the exploration of natural resources of the moon as such exploitation is about to become feasible, according to the Moon Agreement:

- "(a) The orderly and safe development of the natural resources of the moon;
- (b) The rational management of those resources;
- (c) The expansion of opportunities in the use of those resources." (24)

The point (d), prescribing equitable sharing by all States Parties in the benefits derived from those resources, is not mentioned here because only a few number of States agree with this idea. It can hardly be considered today as an international public interest, although the increasing inequality of States, including in space activities, remains a pressing question to be resolved just in the name of the international public interest.

Discussing the subject of "common interests" in a "society of outer space", Prof. Henri A. Wassenbergh stated:

"Today, 'just' law in a society is a law that balance the various interests to arrive at a common interest, a 'balance-of-interests-law'. Such a law does not take sides, except its own, which is that it has to remain neutral, because only that is (must be) felt as being 'just' by everybody. For 'justice', today, cannot be more than 'impartiality, the absence of 'injustice', which then is a biased promotion of the various interests in society, thereby causing conflict." (25)

The "balance-of-interests-law", as a simple result of

power competition, is a very old reality in the international affairs. The tradition of real politics in the strategic fields as outer space cannot be ignored nor minimized. Yet would it be 'just' to limit the international space law, as well as the international law and the law in general, to a mere common denominator of different interests, forgetting at the same time the presence of the general principles of law and justice, and the provisions that benefits all peoples? Hardly. To not take sides, except its own, and remain neutral, impartial and 'just' for everybody, as properly described Prof. Wassenbergh, the normative framework probably must be more than a system of communicating vessels, however sophisticated. It must be value-oriented. Rather than a simple afterthought in the negotiations among conflicting interests, it should be regarded as the ordering, ideal structure that both shapes international behavior and makes its evaluation possible. (26) Naturally, this ideal structure doesn't work well without a 'just' priority of interests, in which the international public interest has to be in the first place.

Thus, the first component of the content of the international public interest is obviously that any other interests, be States or be private enterprise, must correspond to it. Briefly, it means that States, international organizations and private corporations can explore and use the outer space only if their programs are according to the international public interest.

Another characteristic is that the common interest of all mankind or the international public interest should not be reduced to the common interests of the States and corporations communities, but it is a wider concept than this one. It more and more includes the general interests and values that belong to the mankind as a whole.

States and international public interests in space law

In reality, the first interest expressed in the space activities was the States interest. Not by chance, Carl Sagan stressed that the space program is a creature of the cold war. (27) Indeed, the Space Age has begun as a result of strategic interests of the superpowers USA and former USSR. They struggled for the political hegemony of the world and divided it in their spheres of interest. There was "a bipolar world of two self-contained and disconnected societies." (28) The Soviet launch of the world's first artificial earth satellite and all it meant with military power lead the superpowers to negotiate a new *modus vivendi* and to search a kind of reconciliation in some of their strategic interests, specially about the new area of activities that was then opened: the outer space. The American Administration feared that USSR had gained a lead in developing long-range missiles, thereby threatening the very security of United States in the nuclear age. The Soviets, by using a rocket powerful enough to put a satellite into orbit, demonstrated that they might well be close to perfecting the world's first intercontinental ballistic missile — an ICBM capable of carrying a nuclear warhead through the thousands of kilometers that separate the two

superpowers. (29) To many in USA, "nothing less than control of the heavens was at stake". (30) Beginning in the 1950s, the Soviet-American 'space race' accelerated during the 1960s, partially as a contest for international political prestige, and partially through true fear of each opponent's achieving military supremacy through the mastering of space technology. (31) The investment to sustain the military space programmes has been impressive. Between 1959 and 1984, the US Department of Defense has spent over US\$ 70 billion (dollar's 1985). (32) The USSR has surely spent no less. Therefore, the space activities were developed above all under the pressure of strategic individual states motives and interests.

However, these motives and interests, although predominant, weren't the only ones. There was at the same time a great international public interest. It is sufficient to remember the International Geophysical Year (1957-58). This landmark in the exploration of space engaged about 50.000 scientists and technicians from several countries, at about 4.000 stations, in experiments ranging from seismology to meteorology and geomagnetism, investigations of the ocean, gravity and the ionosphere with the co-operation of the International Civil Aviation Organization (ICAO), the World Meteorological Organization (WMO) and the International Telecommunication Union (ITU). (33)

Thus, since the beginning of Space Age there were two kinds of interests and values. The first one, due to the enormous violence it represented, was forced to be legitimized before the second one, endowed with the best of humanistic intentions and the most civilizatory precepts. The only two space powers at the time, in a deadly fight next to the nuclear abyss, were the first ones to approve the 1967 Outer Space Treaty, which exalt the principle of common interest of all mankind. Both superpowers lead the game. Everything depended on them. They were so pragmatic and competent, in the midst of the cold war, that agreed with the creation of a normative framework for the space activities, full of great and magnanimous commitments. Nevertheless, these commitments did not have at that time any sense of practical application, except those that legalized in mutual agreement their own space programs, almost exclusively military.

Example of this is the Article IV (§ 1º) of Outer Space Treaty, that establishes: "States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner."

The superpowers agreed not to place in orbit around the Earth any weapons of mass destruction, but they left open the legal possibility of using outer space to launch intercontinental missiles through sub orbital flight. The first decision corresponded to the international public interest, meanwhile the second didn't. The permission to launch missiles with nuclear heads in sub orbital flight was the opened door to the following intensification of

nuclear arms race, which, as we already know, reached calamity levels.

Today we have an entirely new political environment in the world. A nuclear-weapon-free planet may not be the weird idea of a fringe group, but is the desired objective of much of the global community. With the end of the Cold War there is no more excuse for the nuclear powers to avoid fulfilling their obligations under the Article VI of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT). (34) In this context nothing more logic than to close now the outer space to the nuclear missiles, as well as to any kind of armament.

This case shows clear misunderstanding between the international public and the States interests.

However, it is not the case of lessening the States role before international problems. It should be enhanced, so far that it might compromise always further, mainly at a fundamental issues as space ones, their national interests with the general interests. The nations are called to play a main role at the identification and consolidation of the international public interests. This task will be accomplished the best the more the States improve domestic and international democracy, and show themselves prone to assume international cooperation forms more equitable and mutually beneficial, looking for the compatibility of its own safety, well being and prosperity with the general ones. The today struggle, using NASA Administrator Daniel S. Goldin words, is “to make a transformation from a space program that for 35 year was a projection of power to one that is relevant to human needs in the 21st century”. (35)

The space activities, through its overview of the whole planet and of the mankind, as well as by the knowledge and benefits it can bring to all peoples, offer, as no others, a precise base needed for the States evolution from the national public spirit towards the international public spirit. Or for “the further development of the society of States into a real society with a ‘global public interest’”, as writes Prof. Wassenberg. (36)

Private enterprise and international public interests in space law

Unquestionably the private enterprise has a great contribution to give to the development of space activities, as well as big money to earn from them. The creativity and the efficiency of the private interests, in a great number of cases, overcome those of the States ones. Private enterprise is becoming the driving force in relevant space programs. However, they are only interested in investing in space activities when their interests are adequately guaranteed. (37)

It seems that there are two ways to guarantee the private interests in this field. One is to allow them to do what they want, establishing its own practices and rules, in such a way that they feel completely secure. It’s a kind of self regulation. Another way is to create a clear framework, based in the international public interest

firmly backed by States cooperation and public opinion all over the world. In this case, private enterprise can also feel secure by knowing that the game’s rules are firmly grounded. We will have to choose among these two paths. The second one is certainly the only one that can be safe to all the concerning parts at the same time.

So the main task in this case is not to diminish the role that private interests have been playing in the advancement of space science and technology. Rather than that, the main concern here must be to amplify and consolidate the letter and the spirit of the common interest clause, in order to guarantee the framework where the dynamism and competitiveness of private interest could emerge freely and above all, soundly — that is, “for the benefit and in the interests of all”.

In this sense, we cannot accept any hint or tendency towards monopoly and exclusivity within space activities. This year, in the USA, TRW Inc. has tried to issue two patents that would grant exclusive use of intermediate orbits for its Odyssey satellite telephone project. (38) In recent past, this, according to the Outer Space Treaty, was considered as an absurd but nowadays there is a commercial pressure towards a view of these initiatives as a normal ones.

Simptomatically, the secretary-general of International Telecommunication Union (ITU), Dr. Pekka Tarjanne, stated recently:

“... growing commercial interests, the availability of satellites in orbit which can be moved at short notice, and the prospect of growing demand for services have put pressure on the (ITU) system and led to talk of orbital chaos. Chaos is not in the long term interest of any party... Adherence to the provisions of the Radio Regulations is in the interest of all members of the industry, as well as the best interest of mankind. The Radio Regulations are but a means of solving potential conflicts. The fundamental principle underlying Radio Regulation procedures are based on international cooperation... If the international community requires a more clear cut definition of rights and obligations with respect to orbital use, it is up to the Members of the ITU to incorporate such provisions in the Radio Regulations at a future World Radiocommunication Conference.” (39)

This statement clearly reveals the need to elaborate, in common agreement, better and more international norms to avoid chaos as well as to assume the rational use of space resources and to attend to the general interests.

On this respect, the following statement of Prof. Wassenbergh deserves attention: “To shape the future law of outer space, the interests of the individual States as the ‘justiciables’ of the law as it stands today and the interests of private enterprise, which presently will become the direct subject of outer space law as well, will all have to be carefully measured to distill the common interests of all States and private enterprise. For only by serving these common interests will the law governing outer space activities be recognized as valid by its subjects and thereby ensure the peaceful development of the outer space

'society'." (40)

Above all, we must decide in which conditions the private enterprise will be accepted as direct subject of space law — in their own conditions or in conditions stipulated by the more general interests?

In the other hand, finding out the common interests of States and private enterprise is extremely important to ensure a good future for the law governing outer space activities. Yet would it be sufficient? Maybe not. Probably the common interests of States and private enterprises won't entirely correspond to the international public interest. First, because the space fairing States and private enterprise have naturally their common specific interests, which will not necessarily coincide with the international public interest. After all, the leadership of space activities by a few States might be replaced in a large degree by the leadership of a few private enterprises. Second, because the international public interest, as the "just" law described by Wassenberg, "does not take sides, except its own, which is that it has to remain neutral, because only that is (must be) felt as being 'just' by everybody".

Speaking of the future, it seems to stand before us a very challenging question: Do we have the social, political and juridical resources at our command, the imagination and the will to make the better possibilities prevail over the worst, from the point of view of more general interests? (41)

Some hopeful conclusions

We have to develop international space law further. (42) We have to develop the 1967 Outer Space Treaty further. We have to develop new treaties, not only declarations. We cannot permit the prevalence of the facts over the agreements, the unilateral decisions over the multilateral ones. We have to face the lack of a global space policy and specific international norms and institutions. We have to mobilize the social, political and juridical resources all over the world to struggle for an outer space order based effectively in the interest and values of all mankind.

Without a vigorous and respected international public order in space activities there will hardly be a reasonable future.

In this sense, the right aim just now is — using professor Norberto Bobbio words about the primary function of law — "to correct the crooked tree and to prevent its wild growth." (43)

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