

The 6th Eilene M. Galloway Space Symposium on Critical Issues in Space Law,  
A Comparative Look at National Space Laws and Their International Implications  
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SUMMARY OF REMARKS

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I. INTRODUCTION

The theme of the 2011 Galloway Space Law Conference was “A Comparative Look at National Space Laws and Their International Implications.” Speakers at the conference reviewed recent space law developments in a number of countries, including both traditional “space faring” nations, as well as countries that had just recently enacted legislation relating to treaties to which they are parties such as the Outer Space Treaty of 1967, the Liability Convention of 1972, and the Registration Convention of 1975. Speakers at the conference described such developments in the following countries, among others: Austria, Belgium, China, France, Germany, Japan, Korea, The Netherlands, The United Kingdom and The United States.

The last panel was entitled “Compare and Contrast; International Implications.” In introducing the panelists, including myself, Professor Joanne Irene Gabrynowicz, Director, National Center for Remote Sensing, Air and Space Law, at the University of Mississippi, and the chair of the conference, noted that she had requested the panelists<sup>1</sup> to give the point of view of a “practitioner” of space law.

<sup>1</sup> The panelists for this session were Jonathan Galloway, Professor, Lake Forest College, Dennis Burnett, Vice President, Vice President, Trade and Export Controls EADS NA, and the author. This article summarizes the comments made by the author at the Conference who may be contacted at [steve.smith@shermanhoward.com](mailto:steve.smith@shermanhoward.com).

Professor Gabrynowicz noted that prior to my joining Sherman & Howard in 2011, I had been Vice-President and General Counsel of Lockheed Martin Space Systems Company for 15 years. Professor Gabrynowicz asked the other panelists and myself to give practitioner’s viewpoints on the relevance of national and international space laws to the every day work of lawyers involved with the space activities.

II. DISCUSSION

For a number of years, Lockheed Martin Space Systems Company (“Lockheed Martin”) has been one of the largest and one of the most diversified “space companies” in the world. In-house lawyers at Lockheed Martin frequently dealt with issues involving launch services and U.S. Government and commercial satellites. In December of 2006, Lockheed Martin spun off its launch vehicle manufacturing business to a joint venture with the Boeing Company, called the United Launch Alliance. Although well over 90% of Lockheed Martin’s business was and is with the U.S. Government, the Legal Department spent a disproportional amount of time dealing with issues that arose from Lockheed Martin’s commercial launch services and satellite businesses.

Dealing with issues involving “space law” was a significant part of my practice at Lockheed Martin, but as a practitioner and lead lawyer of a space company, my view of

space law was different from that which had been discussed at the Conference. I asked the audience to envision, as depicted below, three connected and intersecting circles depicting international space law in the middle, national space laws on the right, and a third circle on the left consisting of the variety of laws which are regularly applied in drafting contracts for space activities, including launch services and the purchase of satellites.

Next, I asked the audience to envision a triangle with major space treaties and other international agreements at the bottom, national space laws just above that, and then a variety of different types of laws which were relevant to contracts. These might include tax, tort, finance, disputes, insurance, contracts, environmental, export controls, intellectual property, and the law impacting government contracts.

