

Space Law Course
Professor Bresnik
Fall 2021-University of Houston Law Center

Course Objectives and Learning Outcomes
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<p>The major objectives are to provide a basic understanding of the legal regime governing outer space, including the moon and other celestial bodies. In providing this basic understanding the course would start with an analysis of the development of space law and fundamental legal principles applicable to outer space, to include the International Space Station and its legal structure. After providing a basic understanding, the course will then concentrate on recent developments and more specific topics in space law which include property rights and claim of sovereignty over outer space and celestial bodies, Outer Space Treaty requirement that are applicability to new proposed activities in space, commercialization and privatization of low earth orbit, orbital debris--legal issues and governance, intellectual property and export control laws as applicable to space activities. The course will also cover the very recent developments at a national level by examining recent U.S. developments in the areas of space law and policy.</p>
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Generally Applicable Syllabus Information
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<p>This document sets forth course policy for attendance, preparation and participation, use of computers, examination and grading, and other items.</p>
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Class Schedule and Other Information

Name: Space Law

Course # / Section #: /

Time: Monday, 5:30 p.m. to 7:30 p.m. (1 class session per week, 2 credit hours; 120 minutes per class session)

(2 credit hours is 108 minutes of class time at 54 minutes per credit hour across 13 semester weeks)
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Adjunct Professor: Rebecca M. Bresnik; rebamae21@gmail.com; cell: 703-400-4283

Office Hours: By appointment. The best way to contact me is via email.

Required Text: Francis Lyall and Paul B. Larsen, Space Law: A Treatise (2nd ed. 2017) (publisher: Routledge)

The Book can be bought at the two follow websites and it is offered in hardcover or e-Copy.

1) https://www.ecampus.com/space-law-treatise-2nd-edition-2nd-lyall/bk/9781472447821
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2) https://blackwells.co.uk/bookshop/product/9781472447821?gC=098f6bcd4&gclid=EAiaIQobChMIwpexoMXj3QIVrKOzCh0CuQX1EAYYBCABEGK2c_D_BwE
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<p>Documents will be assigned from sources other than the casebook. These documents will be provided via links in the class assignment table below or via email. Paper copies of these documents will not be provided in class, so students should plan to print them or review them electronically. The casebook will be a primary source of reading, however, the class will not cover the complete book.</p>

Other Resources:

Prerequisites: Having taken a basic International Law course would be helpful

Grading:

The course grade will be based on an open-materials final exam given at the time and date as scheduled by the Law Center which will be worth 90% of your grade. My assessment of your in-class participation performance will consist of the final 10% of your grade.

Brief Description of Coverage:

This class will meet once each week. Assignments will be finalized a month in advance in the table below as the semester progresses. The assignments for the first month are as shown below.

Absences Limit:

Assuming 1 class meetings per week, three or less absences constitutes attendance meeting the eighty percent requirement.

More than three absences means that the eighty percent requirement is not met. Attendance will be taken via a roll sheet passed out during each class session.

"Pick your seat" seating chart date: The second class session:

Computer Usage:

Use of personal computers for taking notes is permitted. Surfing the web and texting during class is not permitted.

Remote Presence:

Students will be attending class remotely via video conferencing software.

Requirements: (i) your computer must have a working video camera and quality audio capability, joining by audio-only will be treated as an absence (you may need an external mic or headset for sufficient audio quality); (ii) you must identify yourself with your class roll name in the Zoom videoconferencing software; (iii) you must present your face and upper body area professionally in the video stream; (iv) you must be able to fulfill your responsibilities if called on to discuss a case or course materials; and (v) you must manage the mute "button" when remote to keep a professional demeanor. Lawyers increasingly work through internet video conferencing.

No will be required to use this capability.

Final Exam:

Final Exam Date/Time: TBD

First day/week's assignment:

Read this course web page and the assignments detailed in the table below for the first day/week of class.

Guest Speaker, see details below. Dates of guest speakers are still being worked and will be finalized a month ahead.

Class Evaluation Day TBD

Last Class Session:

Counseling and Psychological Services (CAPS): CAPS can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus. See: http://www.uh.edu/caps/outreach/lets_talk.html.

Course Coverage Table

The table below provides the detailed assignments for this course and **are TENTATIVE**. It also may provide links to materials for each class and other items related to the course. In order to allow flexibility in the class, assignments beyond those posted for the next week are subject to change; therefore, students who may wish to read ahead are urged to contact the professor before doing so. However, the assignments for the next two weeks ahead should be fairly firm. The rate of progress through the modules depends on the class dynamics.

Date of Class	Topic(s) to be Covered	Materials to be Read
	Introduction to Space Law and its Origins/International Law Origins	Space Law –Lyall and Larson Pgs. 1 - 48
	Martin Luther King, Jr. Holiday No Class	
	Early Treaties Governing Activities in Outer Space	ST/SPACE/61/Rev.2, 2017. International Space Law: United Nations Instruments English
	<p>The “Outer Space Treaty”</p> <ul style="list-style-type: none"> Adopted by the General Assembly in its resolution 2222 (XXI), opened for signature on 27 January 1967, entered into force on 10 October 1967 <p>Main concepts:</p> <ul style="list-style-type: none"> “For the benefit of all mankind” Outer Space and celestial bodies are not subject to national appropriation No weapons of mass destruction are allowed in Outer Space The moon and celestial bodies shall be used exclusively for peaceful purposes States shall be responsible for their national activities in space whether carried 	<ul style="list-style-type: none"> Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies Space Law –Lyall and Larson, pgs. 49 -73

	<p>on by governmental or non-governmental entities</p> <ul style="list-style-type: none"> • The activities of non-governmental entities in outer space shall require the authorization and continuing supervision by the appropriate State • States shall retain jurisdiction and control over their space objects and any personnel thereon • States shall be liable for damage caused by their space objects • States shall avoid the harmful contamination of space 	
	<p>The “Rescue Agreement”</p> <ul style="list-style-type: none"> • Adopted by the General Assembly in its resolution 2345 (XXII), opened for signature on 22 April 1968, entered into force on 3 December 1968 	<ul style="list-style-type: none"> • Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space • Space Law –Lyall and Larson, pgs. 117 - 134
	<p>The “Registration Convention”</p> <ul style="list-style-type: none"> • Adopted by the General Assembly in its resolution 3235 (XXIX), opened for signature on 14 January 1975, entered into force on 15 September 1976 	<ul style="list-style-type: none"> • Convention on Registration of Objects Launched into Outer Space • Space Law –Lyall and Larson, pgs. 76 - 114
	<p>The “Liability Convention”</p> <ul style="list-style-type: none"> • Adopted by the General Assembly in its resolution 2777 (XXVI), opened for signature on 29 March 1972, entered into force on 1 September 1972 <p>Specific Examples</p>	<ul style="list-style-type: none"> • Convention on International Liability for Damage Caused by Space Objects • Space Law –Lyall and Larson, pgs. 76 - 114 <p>Settlement of Claim between Canada and the Union of Soviet Socialist Republics for Damage Caused by "Cosmos 954" (6 pgs) (Released on April 2, 1981)</p>
	The “Moon Treaty”	<ul style="list-style-type: none"> • Agreement Governing the Activities of States

	<ul style="list-style-type: none"> Adopted by the General Assembly in its resolution 34/68, opened for signature on 18 December 1979, entered into force on 11 July 1984. <p>The five General Assembly Resolutions</p> <ol style="list-style-type: none"> 1) The "Declaration of Legal Principles" 2) The "Broadcasting Principles" 3) The Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting 4) The "Remote Sensing Principles" 5) The "Nuclear Power Sources" Principles 	<p>on the Moon and Other Celestial Bodies</p> <ul style="list-style-type: none"> Declaration of Legal Principles Governing the Activities of States in the Exploration and Uses of Outer Space General Assembly resolution 1962 (XVIII) of 13 December 1963 The Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting General Assembly resolution 37/92 of 10 December 1982 The Principles Relating to Remote Sensing of the Earth from Outer Space General Assembly resolution 41/65 of 3 December 1986 The Principles Relevant to the Use of Nuclear Power Sources in Outer Space General Assembly resolution 47/68 of 14 December 1992
	<p>Legal Structure of the International Space Station</p> <ol style="list-style-type: none"> ISS IGA and MOUs ISS Crew Code of Conduct 	<p>International Space Station Intergovernmental Agreement https://www.state.gov/documents/organization/107683.pdf</p> <p>ISS MOUs with Partner Countries</p>

		NASA-CSA Agreement + NASA-ESA Agreement + NASA-RSA Agreement + NASA-Japan Agreement
	Living and Working on the ISS--Astronaut Presentation	ISS Crew Code of Conduct
	Spring Break Holiday No Class	
	Property/Minerals Rights in and from Space <ul style="list-style-type: none"> • Ownership of Resources and Real Property on/from space • Ownership of Relics brought back to earth 	TBD
	National Space Council	President Re-Establishes National Space Council, Executive Order, June 30, 2017 Space Policy Directive -1, December 11, 2017, Presidential Memorandum on Reinvigorating America's Human Space Exploration Program President Donald J. Trump is Unveiling an America First National Space Strategy, Issued on: March 23, 2018 Space Policy Directive-2, Streamlining Regulations on Commercial Use of Space, Issues May 24, 2018 National Space Council's Users Advisory Group Space Policy Directive-3, National Space Traffic

		Management Policy, June 18, 2018
	Planetary Defense/Space Debris and Legal Policies/Issues	<p>Space Law –Lyall and Larson, pgs. 234- 244, 270 – 280</p> <p>U.S. Government Orbital Debris Mitigation Standard Practices, 2000</p> <p>U.N. Space Debris Mitigation Guidelines</p> <p>IADC Space Debris Mitigation Guidelines</p> <p>Compendium of space debris mitigation standards adopted by States and international organizations, Committee on the Peaceful Uses of Outer Space Legal Subcommittee Fifty-third session, Vienna, 24 March-4 April 2014</p> <p>Space Policy Directive-3, National Space Traffic Management Policy, June 18, 2018</p>
	<p>Commercial Activities in Space</p> <p>Space Tourism</p> <p>Government Agencies and their Role in Space</p> <ul style="list-style-type: none"> c. NASA d. FAA e. FCC f. Department of Commerce 	<p>Space Law –Lyall and Larson, pgs. 413-445</p> <p>Space Law –Lyall and Larson, pgs. 227 - 234</p>
	<p>Intellectual Property Rights in Space—Guest Speaker</p> <p>114-116</p> <p>Export Control/INSKNA</p>	Space Law –Lyall and Larson, pgs. 114 - 116
	The Military Use of Outer Space	Space Law –Lyall and Larson, pgs. 447 - 481

	The “Space Force” Review for Exam	
	Satellite and Communication Law —Guest Speaker—Date TBD	TBD