Spanish Law and the International Space Station

J.M. de Faramiñán Gilbert

1. Main guidelines

The Outer Space Treaty, in particular Articles VI, VII and VIII, strongly encourages States to consider establishing national space legislation, in particular where private entities become involved. Also, the Workshop called The United Nations Treaties on Outer Space: actions at the national level agreed that development of an appropriate legal framework could encourage and facilitate the private use of space resources in ways that would be fully consistent with the principles of

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1 J.M. de Faramiñán Gilbert, Professor of International Law, University of Jaén (Spain). The author wishes to thank the Centro Español de Derecho Espacial (Spanish Centre of Space Law, CEDE) and in particular Ascensión Sanz Fernández de Córdoba, Director of General Affairs, for their help in this research. The author furthermore emphasizes that in his view it would amount to mere speculation if he were to go beyond the existing texts of relevant documents, in view of the absence of experience in Spain with their actual application.

Articles I–III and VI of the Outer Space Treaty, and pointed out that “appropriate national space legislation should be a high priority for States involved in space activities.”

Spain has not yet adopted a national space law, but the need for a Spanish national space law becomes more evident every day. It is very important for Spain to develop a unified law which covers the main lines that the Spanish State follows in its space activities. Regarding this need, very interesting remarks have been made by Frans G. von der Dunk:

“There are, essentially, three categories of justification to establish a national law. The first arises as a consequence of international space law (…); the second type of justification arises at the national legal level. Once the underlying privatization of space and space-related activities is a fact of life within a certain country, there are certain elements of those activities which would call for regulation at the national level – simply because they are not dealt with, as such, at the international level (…); and the third justification for national space law comes in: to implement the specific policy approaches, and relevant overall juridical, political, economic and social approaches to space activities by means of the substance of national legislation.”

Nonetheless, since Spain lacks a unified legal text regarding space activities, it would be extremely difficult to select and gather round the appropriate regulations. It would require a thorough research of the legislation related to the issue. A compilation of this sort would undoubtedly be biased by the criteria of our research, and even more so in the case of national regulations regarding the activities carried out on board the International Space Station (ISS). As Lacleta stated, “We should wonder why only a handful of countries have included in their national laws some regulations of a general character on the space activities carried out by their nationals, on their territory, or from it.”

We will approach this complicated issue by making a selection of the Spanish law that could be related to space activities and afterwards, we will extract only those regulations that can be related to the activities carried out on board the International Space Station.

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