

What Would You Do? Law and Ethics in Space



COSPAR 2021
43rd COSPAR Scientific Assembly
Connecting space research for global impact
28 January - 4 February 2021

Monday 1 February 2021
11:00 - 12:30 AEDT

SYNOPSIS: Imagine you work with a company that has developed a lunar rover, and you want to compete for a contract with NASA to extract and sell water ice on the Moon. You need a launch partner, and you need to know how your activities on the Moon will be regulated. But what if there is a risk of colliding with space debris during the launch? What if debates at the UN raise concerns about protecting the lunar environment, or about who can share in the benefits of these commercial activities, under the Outer Space Treaty? What is the lawful thing to do, and what is the right thing to do? In this session, space law and ethics experts will talk you through a hypothetical scenario, and you will have the opportunity to ask questions and propose answers.

Moderator



Dr. Cassandra Steer is a Mission Specialist with the ANU Institute of Space (InSpace), and a Senior Lecturer at the ANU College of Law specialising in space law, space security and international law. Dr. Steer has more than a decade of international experience teaching at universities in Australia, Europe, North America and South America. Her current research focuses on the notion of “good space citizenship”, covering space governance issues such as space situational awareness and space traffic management, and the application of the law of armed conflict and use of force in outer space. She has published widely on these issues, and been a consultant to the Australian, Canadian and U.S. Departments of Defence on these issues. Dr. Steer is on the Australian Space Agency’s Technical Advisory Group for Space Situational Awareness, is the Canadian representative member on the International Law Association Space Law Committee, an Associate Expert on the Woomera Manual on the International Law of Military Space Operations, and a member of the International Institute of Space Law and Women in Aviation/Aerospace Australia.

Speakers



Duncan Blake transferred from the permanent Air Force to the Reserves in January 2017, after 22 years as a Legal Officer in the Royal Australian Air Force. Among other things, he served as the Deputy Director of Operations and International Law for the Australian Department of Defence, providing operations and international law advice and support at the highest levels within Defence and across government. More recently, Duncan was legal advisor to the Defence Space Coordinating Office and he chaired inter-departmental and international working groups in respect of strategic space law. Duncan’s thesis for his Masters degree in space law at McGill University was the genesis of both the ‘Manual on International Law Applicable to Military uses of Outer Space’ (MILAMOS) Project and the Woomera Manual on the International Law of Military Space Operations. Duncan continues to contribute in an editorial role for the Woomera Manual. He is also doing a PhD in military space law, he is an academic at the University of New South Wales in Canberra (coincident with the Australian Defence Force Academy), he continues to provide reserve legal support to the Australian Department of Defence, and he supports commercial entities with legal aspects of space activities as Special Counsel - Space Law for International Aerospace Law and Policy Group.



Dr. Nikki Coleman is a Senior Chaplain Ethicist with the Royal Australian Air Force, and currently researches and teaches in military ethics, space ethics and bioethics. Her current research interests include obedience, citizenship, moral injury, PTSD, space war, space terrorism, bioweapons, genomic data use in bioweapons, and military education. Dr. Coleman has been an ethics consultant for the Commonwealth Department of Health, the National Health and Medical Research Council and the Department of Defence. Dr. Coleman is an adjunct lecturer with UNSW Canberra Space and the Australian National University. She currently holds visiting fellowships at the RAAF Air Power Development Centre (Canberra, Australia), The Brocher Foundation (Geneva, Switzerland) and the Case Western Reserve Inamori Center for Ethics and Excellence (Cleveland, USA).

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Speakers (cont.)



Steven Freeland is Emeritus Professor of International Law at Western Sydney University, specialising in Commercial Space Law, and previously the Dean of the School of Law. He also holds Visiting or Adjunct positions at various other Universities/Institutes in Copenhagen, Vienna, Toulouse, Hong Kong, Montreal, Kuala Lumpur, London and Queensland. Prior to becoming an academic, he had a 20-year career as an international commercial lawyer and an investment banker. He is a Member of the Advisory Group of the Australian Space Agency and has been an advisor to the Australian, New Zealand, Norwegian and several other Governments on issues relating to national space legislative frameworks and policy. He has represented the Australian Government at Committee on the Peaceful Uses of Outer Space (UNCOPUOS) meetings and has also been appointed by UNCOPUOS to co-chair multilateral discussions on the exploration, exploitation and utilisation of space resources, which will take place in April 2021. He is a Co-Principal of specialised space law firm Azimuth Advisory and is also a Director of the International Institute of Space Law, and a Member of the Space Law Committees of both the International Bar Association and International Law Association.



Donna Lawler is a Co-Founder and Principal at Azimuth Advisory and is a member of the International Institute of Space Lawyers. She is an experienced commercial lawyer specialising in complex transactions involving space activities. Over almost twenty years in the space industry she has been an advisor to a range of commercial space organisations, including operators of geo-stationary and low earth orbit satellite constellations, spaceport operators and launch services providers. In particular, she has had key involvement in the build, launch and insurance programmes for six geo-stationary satellites on behalf of Optus and its parent company SingTel. These include the Optus C1 satellite, which is a hybrid civilian and military spacecraft, jointly owned by Optus and the Australian Defence Forces. Her involvement in space-related programmes has also included the sale and purchase of satellite capacity, securing the use of orbital slots, advising on risk, liability and insurance issues and negotiating other civilian and military satellite and launch related contracts. Prior to co-founding Azimuth Advisory, Donna served as Assistant General Counsel for Optus Satellite, an Australian satellite operator. She has also practiced technology and telecommunications law at Baker & McKenzie in Hong Kong and Minter Ellison in Sydney.