VIKINGS FIRST IN NATIONAL SPACE LAW: OTHER EUROPEANS TO FOLLOW The Continuing Story Of National Implementation Of International Responsibility And Liability

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VIKINGS FIRST IN NATIONAL SPACE LAW:
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The Continuing Story Of National Implementation
Of International Responsibility And Liability

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Abstract
For a long time everybody thought that
Christopher Columbus was the first to
‘discover’ the Americas, and only relatively
recently it was discovered that actually the
Vikings had preceded him by several
centuries. Likewise, perhaps, everybody
considered the United States of America to
be the first state enacting national space
legislation even in the narrower sense of the
word, i.e. fundamentally encompassing a
licensing system of some sort for private
space activities, which was achieved with the
FCC in 1970 formally declaring the 1934
Communications Act, including its licensing
requirements for private operators, to apply
to space communications as well. After all,
the United States was one of the two original
and major space powers, and had always
been a staunch defender of private enterprise.
But recently, in the context of a project
undertaken in the LL.M. Programme on
International Air and Space Law at the
Leiden International Institute of Air and
Space Law, a Norwegian national space act
was unearthed, dating back to 1969 and thus
preceding, properly speaking, the birth of US
national space law with one year. The
Vikings, it became clear, had not only been
the first to come to America, they had also
been the first to come to a national space
law. Even if it contained a mere three
paragraphs, it required indeed from private
enterprise undertaking certain space
activities (namely launch activities from
Norwegian territory or quasi-territory) an
authorisation of the Norwegian authorities.
The present paper will briefly analyse this act
as well as its actual implementation and
relevance, in terms of fulfilling international
space law obligations. In the same vein, then
some very recent efforts within Europe to
establish national space law will be briefly
considered. In particular this concerns France
and Germany, two capitalist European space
powers notably missing from the short list of
states having a proper national space law in
place, and the Netherlands – for obvious
reasons of a chauvinistic nature.

1. Introduction
As is often borne out by discussion, the term
‘national space law’ is used with a
considerable degree of variation in scope. In
the broader sense, it would encompass all
law on a national level exclusively or
predominantly applicable to outer space
and/or space activities. Thus, a law creating a
national space agency as such would already
be labelled a ‘national space law’. Even
broader, all national law exercising substantial impact upon space activities
could be qualified as ‘national space law’. Even
broader, all national law exercising substantial impact upon space activities
could be qualified as ‘national space law’,
including for example legislation related to
financing of mobile assets, insurance of
certain activities, or general tort liability
rules to the extent applicable (also) to space
activities. Under such definitions, a
considerable number of states – well into the
double digits, if not indeed triple – would
qualify as states having some sort of national
space law(s).
However, very often such broad definitions
loose their distinctiveness, and hence their
value as an analytical tool. The major legal
development within space activities over the
last two or three decades is the increasing
private involvement therein; therefore, a narrower definition of ‘national space law’ as only that law which deals substantively with (the regulation of) private space activities – i.e. by means of a licensing system for private entities undertaking space activities – is proposed. When it comes to ‘national space law’ in this narrower sense, only a small number of states do qualify. Hitherto, starting with Sweden in 1982, and further in chronological order the United Kingdom, the Russian Federation, South Africa, the Ukraine and Australia, six states had been known widely to have a single piece of national law in place (including such a licensing system for private space activities), even if sometimes very summary. And of course the United States, champion of private enterprise also in space, had developed the largest body of national law dealing with private space activities through licensing systems – actually, in the three fields where private involvement became a real issue, three separate sets of such legislation were elaborated. Keeping the narrow definition of ‘national space law’ in mind, this went back to 1970. With the FCC in that year declaring the 1934 Communications Act, including its licensing system for private communication system operators, to be applicable also to space communications, the United States indeed was the ‘first in national space law’.”

Or, so it seemed. Just as Columbus, for a long time considered the ‘discoverer’ of America, in the end turned out to have been preceded by the Vikings, recently a Norwegian national space law turned up – dating back to 1969, one year prior even to the first licensing system for private space enterprise in the United States.

The Norwegian Act on launching objects from Norwegian territory into outer space was the smallest of all, boasting only three paragraphs. The magic words, however, were there: anyone launching an object into outer space from Norwegian territory or facilities requires a permission from the Minister of Trade and Industry. And just as the Vikings were in due course followed by more and more other Europeans, also in terms of national space law some other European states have already followed and more are to follow yet.

2. From public space law to private involvement in space activities

Let us first, prior to dealing with this new old national space law and the other developments, recapitulate the international background to national space acts in general. Whilst states still comprise the major category of actors in space, nowadays more and more private entities have become interested in carrying out activities in outer space. These developments present a clear challenge to international space law as such, since presently private enterprise is not directly bound by those rules.

National space legislation would then offer the most comprehensive instrument to deal with private participation in space activities, by establishing comprehensive legal effects of public space law vis-à-vis private enterprise. States can and should exercise their sovereignty to control, in law, the international effects of private space activities and preserve the relevant public interests in such activities. Domestic legislation in addition presents a possibility for states to promote, substantiate and execute general domestic policies with respect to the activities of private entities. It thus also presents a means for states to harness private enterprise for the public cause in space. For European states finally, a few additional issues arise in this context, in view especially of the role of the European Space Agency (ESA) which co-ordinates much of Europe’s space endeavour. From a similar perspective the European Community, increasingly involved in matters of outer space, plays a crucial role in Europe. Nevertheless, there is a crucial role to play for national space law also in the European context.

When it comes to enacting domestic space legislation, public international space law
itself both calls for establishment of such legislation, and provides for the outlines thereof as to its scope. (And, of course, it provides for some general rules as to its contents.) Notably, from the present perspective this follows from the Outer Space Treaty of 1967\textsuperscript{10}, the Liability Convention of 1972\textsuperscript{11} as elaborating Article VII of the Outer Space Treaty, and the Registration Convention of 1975\textsuperscript{12} as elaborating Article VIII of the Outer Space Treaty.

A state essentially will have to exercise any jurisdiction available primarily vis-à-vis those particular categories of private activities in respect of which it can be held accountable, i.e. responsible and/or liable, as a state. Elsewhere, the issue of state responsibility has been analysed extensively.\textsuperscript{13} Article VI of the Outer Space Treaty provides that states are internationally responsible for “national activities in outer space”, including cases where these are “carried on (...) by non-governmental entities”. In other words: a state is internationally responsible for private space activities as long as these can be defined as national activities (in outer space) of that state. Article VI however still begs the question for which categories of private space activities is which particular state to be held responsible on the international plane? The absence of agreement regarding the answer to this question, amongst authorities as much as amongst experts, allows – and has indeed already led – individual states, where applicable, to interpret the term at their own discretion.

Article VI further provides that “the appropriate State” actually has to authorise and continuously supervise activities undertaken by non-governmental entities. This other key phrase of Article VI however also lacks a commonly accepted interpretation – let alone enjoy an authoritative definition. Hence, also in this case uncertainty at the theoretical level leads to national discretion at the level of implementation.

As to (state) liability, Article VII of the Outer Space Treaty as further elaborated by the Liability Convention\textsuperscript{14} provides that states are “internationally liable for damage to another State (...) or its natural and juridical persons”, if such damage is caused by relevant space objects. This then concerns in cumulative fashion the state which “launches” the space object, the state which “procures the launching” of that space object, the state “from whose territory” the launching of that space object occurs, and the state from whose “facility” that space object is launched. By implication, this also applies to damage caused by space objects launched with private involvement. In other words: a state is liable under international space law for a (private) activity and the damage it causes, in case (A) that activity involves a space object and (B) the state concerned was involved in the launch of that space object in any of the four modes mentioned.

As was analysed elsewhere in more detail\textsuperscript{15}, three of these four criteria could – depending upon their being narrowly or broadly interpreted and applied – be found to point at no state as such, alternatively to states involved on a contractual – and thus conscious! – basis. This is radically different with respect to the remaining criterion for becoming a liable entity, which applies exclusively to states: as long as all launches are conducted from some state’s territory, there will always be a state liable under this criterion, even in case of (otherwise) completely private launches. Consequently, for the purpose of Article VII of the Outer Space Treaty and the Liability Convention, any national legislation should at least deal with launches conducted from a state’s territory by private entities.

From the other end, any implementation on a national level, to cover for responsibilities and liabilities at the international level, most notably by means of a national space law, requires the exercise of the relevant state’s jurisdiction.\textsuperscript{16}

From this perspective, as the ‘mirror side’ to space law responsibility and liability, jurisdiction can of course generally be based on the notions of ‘territory’ and ‘nationality’. Whilst the first would allow for legislation
applicable to anyone undertaking relevant space activities from national soil, the second would allow for legislation applicable to anyone with the nationality of the state under consideration undertaking such activities. It may be noted here, that the absence of territorial sovereignty in outer space, in accordance with Article II of the Outer Space Treaty, only precludes direct application of a state's jurisdiction to manned space activities, i.e. where the actors are truly out of reach of the individual state's territorial sovereignty. In the case of all unmanned space activities, by contrast, the true legal actors find themselves on earth, and hence usually on some state's territory or other. In addition as it where, Article VIII of the Outer Space Treaty and the Registration Convention allowed for the exercise of a third, space-specific type of jurisdiction: the quasi-territorial jurisdiction which may be applied to a space object and all personnel thereof registered by the state at issue. Consequently, it is essentially those three bases for the exercise of jurisdiction which may allow a state to cover its international space law responsibility and liability as far as relevant private entities and their activities are concerned, and which hence should be used, where relevant, to establish national space legislation viz. a national licensing system for private space entrepreneurs.

3. The Norwegian Act of 1969

The above provides the backdrop against which the Norwegian Act of 1969 must be analysed. It should be realised though, that at that time, neither the Liability Convention nor the Registration Convention had yet been concluded. In implementing perceived international responsibilities and liabilities on a national level, the Norwegian authorities had to make do with the general provisions of, in particular, Articles VI, VII and VIII of the Outer Space Treaty as summarily sketched before. Norway ratified the Outer Space Treaty on July 1st, 1969 – two weeks after entry into force of the Norwegian Act. Consequently, Norway is also the only state so far whose enactment of a national space law even precedes becoming party to the Outer Space Treaty, in respect of which the former supposedly provides for implementation. During the process of ratification the Ministry of Justice and the Ministry of Trade and Industry realised that it further required national implementing legislation to be enacted: already seven years before ratification launching activities from Andøya had started. However, the drafting fathers of the Act were of the opinion that it was not necessary to establish an elaborate law to satisfy the requirements of the Outer Space Treaty; a summary act would suffice. The essence of the Norwegian Act as found in its paragraph 1 is that one needs permission to launch objects into outer space from Norwegian territory (including Svalbard and Jan Mayen), or anything which may be considered as such. Under the last category the Norwegian Act understands Norwegian “outposts” (i.e. Norwegian bases on Antarctic!), Norwegian vessels, Norwegian aircraft and the like. Finally, if any Norwegian citizen or permanent resident undertakes a launch falling within the material scope of the Act, when this occurs from outside any state’s territorial sovereignty he or she also requires permission. Consequently, in terms of Article VI of the Outer Space Treaty, the authorisation- and continuous supervision-requirement is applied both to Norwegian territory, and to Norwegian nationals where no other state’s territorial sovereignty applies: a rather comprehensive scope of the Act ratione personae is the result. The formal denouncement of the exercise of jurisdiction in cases where other states may exercise their territorial jurisdiction is noteworthy. Whilst it may prevent conflicts of jurisdiction, the question remains whether Norway would not nevertheless remain internationally responsible under Article VI
of the Outer Space Treaty for such activities it declined to exercise jurisdiction over, in view of the most common interpretations of "national activities" which include 'activities by nationals'.

The Act itself does not specify what the requirements or conditions for obtaining permission are. Paragraph 1 merely mentions that certain terms might be established for such permission, further to which paragraph 2 provides the Ministry with the competence to actually issue regulations on control of the activities concerned. Apparently, in the absence of any detailed regulation as to which terms should or might be imposed, the Ministry retains full discretion in every particular case to demand certain conditions to be fulfilled or not. According to the Ministry, there is no general practice in respect of implementation of the Act. (Paragraph 3, the final paragraph of the Act, merely states that it enters into force immediately.)

The preparatory works do not help much in this regard; though in principle they would further define the scope of the law, under the text of the Act as referred to above, it is still up to the Ministry itself to decide the conditions and terms for the licence. The preparatory works further specify that the obligation to obtain permission covers all kinds of objects that can be launched into outer space. The main objective is to regulate launching activities from Norwegian territory; however, the Act also covers for instance activities on the high seas when Norwegian citizens undertake the launch.

Of course, one should finally note that ratiore materiae all other space activities than launching are not covered — such as satellite communications, satellite navigation and satellite remote sensing. Perhaps at the time of enunciation this made sense — after all, in 1969 such things as 'commercial launch contracts' or 'in-orbit sales' were still unheard of, and the simple focus of the Outer Space Treaty on launch as the link between damage and liability seemed to make perfect sense.

However, nowadays Norway — as most other Western European states — has experienced satellite communications by private entities as much as by governmental ones, may face interesting prospects of partially privatised launch activities from its launch facilities, has a national company involved in the relatively new venture of Sea Launch²¹, and through its membership of the European Space Agency is becoming involved in the European plans to develop GALILEO, a partly private European satellite navigation system. Such developments might lead to a need to reconsider the national Norwegian legal framework as well.

4. The Implementation of the Norwegian Act

As mentioned, the relevant Ministry issuing the licence is the Ministry of Trade and Industry. Only one entity so far has been granted licences: the Andøya Rocket Range (ARR) company, a company with limited liability registered in Norway. Its owners are the Norwegian Space Centre (NSC) with 90% of the shares and Kongsberg Defence and Aerospace with 10%. ARR is therefore formally speaking a private company, but majority-owned by the NSC and in actual practice closely co-operating with it. The NSC in its turn is an independent governmental foundation, which receives its support from the Norwegian state.

ARR possesses two licenses, of which one applies to their launching facilities at Andøya. Here they have equipment to launch scientific rockets with a payload of up to 20,000 kg. From their launching facilities at Ny-Aalesund, Svalbard, subject of their other licence, it is possible to launch rockets with a payload of up to 3,000 kg. As to the licence concerning the facilities at Andøya, for example, the current one is provided for two successive years, containing conditions related to safety, responsibility, liability, and contractual relationships. However, the licence is not very comprehensive or
detailed, and the language can in this respect best be described as rather vague.
ARR has naturally the main responsibility for safety and security. It has to make sure that the launches are carried out under proper conditions and that the instructions are written in a clear and concise form. Each launch (or set of launches with the same type of rockets) has to be approved by the Norwegian Defence Research Establishment (Forsvarets forskningsinstitutt, FFI), by means of a safety clearance.
The Norwegian state is internationally liable for damage in accordance with the provisions of the Outer Space Treaty to start with; ARR and the owners of the rocket shall jointly and severally take over this liability. In other words: the state has the right to claim reimbursement from ARR and others that procure the launch. It should be noted here that ARR only provides the launching facilities, in most cases it does not enjoy ownership in the rockets. It is therefore that the license in this respect requires other relevant parties to also accept the conditions in the license, and that the contract in principle divides the liability between them. All the parties mentioned in the contract are to obtain insurance that covers possible damage.
In the Act no limitations are provided for in respect of reimbursement; consequently, the Norwegian state has the right to have the whole amount of any claim paid under international space law liability reimbursed. The Ministry furthermore requires that ARR’s liability should be covered by insurance of a satisfactory amount. Also in this case, there are no upper limits; however, “satisfactory” in this context means that only scenarios reasonably possible should be covered. No further directions are given.
As mentioned, in 1969 there was not yet any Liability Convention to be taken into consideration in implementing (more detailed) international treaty obligations; and formally this did not change until 1995 when Norway ratified the Liability Convention (as well as the Registration Convention). In this respect, however, ARR still only has to make sure that the launches are carried out with the minimum of risk. When it comes to the Outer Space Treaty furthermore, ARR anyhow has to respect the other duties and principles the Norwegian state has agreed upon when ratifying the treaty. To which extent the detailed obligations of the Liability Convention (or Registration Convention for that matter) would automatically follow from those “other duties and principles”, however, remains an issue for further analysis.
In particular Norwegian participation in the Sea Launch project merits being referred to here, since it provides a new development in terms of launching in the context of the Outer Space Treaty and the Liability Convention, and the issue of liability and its consequences. The Kvaerner Group, one of the four shareholders in the Sea Launch consortium (with a 20% share), after all is an engineering company as such registered in Norway even though headquartered in London. Kvaerner has according to the Ministry of Trade and Industry never applied for a licence under the Norwegian act, and the Ministry is of the opinion that it does not need such a license because Sea Launch operates from the high seas and the platform is not registered in Norway. However, the Norwegian Act covers also launches from the high seas when Norwegian citizens undertake such launch; the scope of the act might in this respect also apply to Kvaerner to the extent a launch by Sea Launch can be defined as (inter alia, in view of the other shareholders) a launch by Kvaerner.

5. Other European States to Follow
As mentioned, the Vikings of Norway did not remain long without other Europeans following their example. Sweden (Norway’s fellow Vikings), the United Kingdom, the Russian Federation and the Ukraine had established their own national space laws already in the previous millennium. Notably missing so far were in particular France,
Germany and Italy, the three major space powers from Western Europe.
Over the last few years it became apparent to these three states, that the ongoing commercialisation of space would require national legislative action of some measure of comprehensiveness. Since years France has become a major player in the private launch business through Arianespace, and an equally important player in satellite remote sensing through SPOT and SPOTImage. Germany has seen several private companies, starting with Eurockot and OHB System, take advantage of interesting opportunities to harness the heritage of Soviet space power for private causes. Italy still has a sleeping beauty in the form of the two platforms in equatorial as well as territorial Kenyan waters, San Marco and Santa Rita, potentially open to private launches and related uses. All three finally, as are many smaller European states, are part of the European Union, where privatisation of satellite communication and resulting licensing schemes are a major issue, and of the constituency building GALILEO, the European satellite navigation system.
Especially in the case of France and Germany the discussion has now reached the stage where it seems no longer an issue whether a national space law will be established, but rather what it should deal with and how it should deal therewith.
As to France, the special case of private launch services provider Arianespace had, at least as far as international liability was concerned, been essentially covered by a complicated international legal structure with three documents at the core: the Arianespace Declaration, the Arianespace Convention and the CSG Agreement. And as for SPOTImage, its operations could still be fairly easily controlled de facto by the dependency of that company upon satellite data delivered by the SPOT satellite system – for some 90% paid for and run by French governmental authorities. However, in particular with the advance of private enterprise in satellite communications a national legal system tailored to a single national – even if somehow private – entity did not seem sufficient anymore to ensure the French space industry its proper place under the sun.
Consequently, the French authorities are currently preparing a draft text for national space legislation, with inclusion of a few essential elements already agreed upon. Firstly, the law will contain a licensing system for satellites involved in communication or navigation services. Secondly, it will include a licensing system for private providers of launch services, taking into account global competition aspects. Thirdly, it will incorporate a licensing system for private remote sensing systems, dealing inter alia with public aspects such as data distribution. Fourthly, it will provide for a specific regime regarding securities in satellites, taking the developments in the context of UNIDROIT into consideration.
In Germany, the need for some form of general licensing system was perceived equally broadly. The examples earlier mentioned of private German initiatives building upon old Soviet accomplishments in the field of launching, the increasing private interest in satellite communications and remote sensing data for geographical information systems and environmental purposes, and the commercial opportunities expected to arise from the development of satellite navigation and the impending commercialisation of the International Space Station all conspired to call for a framework law.
Therefore, also in Germany a drafting exercise is under way, which should lead to a national space law likely dealing with the following six core issues. Firstly, it will comprise a system of authorisation of private entities conducting space activities. Secondly, an obligatory registration of relevant categories of space objects is provided for. Thirdly, absolute liability for damage suffered within Germany as a consequence of space activities will be
imposed. Fourthly, a right of derogation for the German state vis-à-vis authorised entities will be established. Fifthly, obligatory insurance against such liabilities and reimbursement obligations will be imposed. And sixthly, a national governmental entity will be endowed with competencies to authorise and supervise private activities in accordance with this law.

Italy presents a more complicated picture. Whilst the opportunities offered by San Marco and Santa Rita, the satellite communications sector and the large space industry in Italy would be obvious, a number of factors difficult to analyse are at play counteracting any drive for a national space law. Consequently, in Italy discussion has only—carefully—progressed as far as accepting that development of a national Italian space law might be an interesting venue to consider.

In addition to assorted national interests of the aforementioned states in discussing the measure of desirability or even need for establishment of a national space law, including a licensing system for private space activities, common ground arises where the European (Union) aspects are taken into consideration. Might this look in the Italian context perhaps as a bit of an excuse for general national hesitation and tardiness, the call for European-wide harmonisation of some of the essential aspects and elements of licensing of private space enterprise in the case of France and Germany represents a fair appraisal of the overriding international character of much of Europe's space endeavour. It stems from the ongoing harmonisation and liberalisation of the European satellite communications market, where the main driver is the European Commission, but certainly also the general concentration in the manufacturing industry behind the space services industry and the coming of GALILEO are seen as calling for creation of some measure of European-wide 'national' space 'legislation'.

This European aspect also becomes apparent through the activities in some minor European space powers towards establishment of national space law—namely Belgium and the Netherlands. For purely chauvinistic reasons, this paper confines itself to the Netherlands here. With the (relatively) recent advent on the private space scene of New Skies Satellites (originally the private offspring of the old INTELSAT) and MirCorp also the Netherlands has realised the legal challenges posed by current international space law in this respect. Though space activities for the Netherlands considerably more than in the case of France and Germany are a matter for European co-operation (in particular in the context of the European Space Agency), the above and related developments have led to a general understanding that some form of national control over private space activities is called for. The most fundamental question is now whether a law providing for general conditions to be adhered to (essentially a posteriori control), or a law providing for a proper licensing system (also allowing for a priori control) would be called for. From the international space law-perspective, the latter would clearly be preferred, since it seems to fit in much more neatly with the obligation to exercise authorisation (a priori) and continuing supervision (a posteriori) which arises under Article VI of the Outer Space Treaty.

6. Concluding remarks

In the final analysis, the general 'rediscovery' of the Norwegian Act respectively the efforts within such states as France, Germany and the Netherlands to establish a national space law form two sides of the same coin. Both testify to the increasing awareness that private enterprise is in outer space to stay, and that the current status of international space law, state-oriented as it is, requires national implementation in order to help ensure orderly development of the whole private space endeavour.
Of course, this process is not confined to Europe. In major spacefaring nations around the world, such as Japan, India and the People's Republic of China, such issues are currently taken seriously and many thoughts go in the direction of national space laws along the same lines. As of this writing, whilst it has not been possible to analyse any English version with some measure of authority, it seems that Brazil actually has become number nine with a national space law in the narrow sense of the word.

Nevertheless, in Europe this process may be especially noteworthy, in view of the measure of international integration at various level. The space activities proper, including still most of those with private involvement, have the European Space Agency, in many respects a classical intergovernmental organisation, for their focal point. The manufacturing industry (in particular satellite builders) are undergoing a major process of cross-border mergers and various co-operation schemes. And finally there is the European Commission, which has especially in the area of satellite communications worked hard to establish some sort of European market, making it nowadays legally impossible to establish a proper licensing system on a national level without any regard for the European legal harmonisation process.

Finally, on a perhaps more trivial note, the process in Europe aptly illustrates its own increasing relevance and complexities when viewed over time. The first act, the Norwegian one, comprises a mere three Articles, and remains at an extraordinary general level even whilst dealing only with launching activities. The Swedish Act, next in line, together with the accompanying Decree already occupied several pages, and deals in principle with all sorts of space activities. At the other end of the (time) scale, the efforts in France, Germany and the Netherlands are all alike in looking like they are going to result in multi-page texts covering also semi-space issues such as securities in spacecraft, insurance against liability and public aspects of for example the use of satellite navigation for aviation – even though the drafts explicitly are being qualified as aiming at framework acts, i.e. necessitating further elaboration by means of regulations almost from the start.

Thus, finally, space law, which holds the distinction of having developed very rapidly on the international level especially in the 60's and early 70's to keep pace with the rapid development of space activities by states, may still earn the same distinction when it comes to taking on the next challenge of the privatisation and commercialisation of outer space. Rapidly developing appropriate legal frameworks on a national level is essential here; and it is to be hoped that the examples briefly discussed will be followed by many more.

Notes


9. Act on launching objects from Norwegian territory into outer space (hereafter Norwegian Act), No. 38, 13 June 1969. So far, the only English text available is that translated by A. Nikolaisen directly from the Norwegian original. This text is attached as Annex 1.


15. See e.g. Von der Dunk, pp. 23-5.

16. See further Von der Dunk, pp. 27-31, 36-9, 49-50.

17. See § 1(a), Norwegian Act.

18. See § 1(a), (b), Norwegian Act.

19. See § 1(c), Norwegian Act.

20. See Ot. Prp. nr. 26. (1968-69) and Inst. O. Nr. 49 (1968-69). In the Norwegian legal system preparatory works are an important source of law. The law or act itself is often short and leaves much of the interpretation of it to other legal sources, and in this respect the preparatory works are used to define the scope of the law in more detail.

21. See further infra, para. 4.

22. See also Von der Dunk, pp. 156-60.


ANNEX 1

Act on launching objects from Norwegian territory into outer space

§ 1
Without permission from the Norwegian Ministry concerned, it is forbidden to launch any object into outer space from:
(a) Norwegian territory, also including Svalbard, Jan Mayen and the Norwegian outposts;
(b) Norwegian vessels, aircraft and the like;
(c) areas that are not subject to the sovereignty of any state, when the launching is undertaken by a Norwegian citizen or person with habitual residence in Norway.
Certain terms can be set for such permission as described in paragraph one.

§ 2
The Ministry can issue regulations on control of activities as described in § 1.

§ 3
This act enters into force immediately.

Notes

27. Norwegian title: “Lov om oppskyting av gjenstander fra norsk territorium m.m. ut i verdensrommet.” This is an unofficial translation by A. Nikolaisen, for lack of any known official English version.

28. This refers to the Ministry of Trade and Industry.

29. Cf. the Norwegian Penal Code, Sec. 332. Fines or a maximum of 3 months in prison are provided for as sanctions. This is a general law dealing with violations of certain acts or regulations issued by the government. The law applies if an activity is undertaken without special permission from the government or relevant Ministry wherever this is required.