

GNLU Air and Space Law Academy (GASLA) inaugurated at GNLU

Gandhinagar, 27 September 2020: 5th Edition of GNLU Air and Space Law Academy (GASLA) 2020 was inaugurated at Gujarat National Law University (GNLU).

The inauguration ceremony was graced by Mr Rakesh Sasibhushan, Chairman-cum-Managing Director, Antrix Corporation Limited & Chairman, CII National Committee on Space, Hon'ble Mr Justice A. Muhamed Mustaque, Judge, High Court of Kerala and GNLU Director Dr Shanathakumar.

In his welcome address, GNLU Director Dr Shanthakumar said, "Air Law and Space Law are governed by vastly different legal regimes. However, there is no international consensus on where national airspace ends and where outer space begins. Further, the regimes of both Air Law and Space Law were developed at a time when the technology for earth-to-earth aerospace movements did not exist. The technological advancement has raised new questions. The law needs to evolve to keep pace with technology. For example, a hybrid-aerospace vehicle is capable of operating within national or international airspace, as well as operating in outer space. This means that, on any given flight, a hybrid-aerospace vehicle may operate both as an aircraft and a spacecraft. So, which law would govern the flight – Air Law or Space Law? This makes a strong case for a new regime of aerospace law. Uniformity, clarity, stability and predictability of law will improve investment in space transportation and facilitate commercial development of space. United Nations should, therefore, come out with a Convention on Law of the Aerospace just like the UN Convention on Law of the Sea."

Mr Rakesh Sasibhushan said that the space sector has a huge potential. It is becoming an industry verticle that no one can ignore. He said that Global Space industry revenues were valued at \$ 360 Billion according to market reports. Morgan Stanley and Goldman Sachs estimate that the global space industry could generate revenues of more than \$1 trillion by 2040. Bank of America Merrill Lynch sees the space industry growing to \$2.7 trillion in 30 years. As per an official report released in 2019, the space sector has a £14.8 billion contribution to the UK economy and supports 41,900 jobs.

"India is a major Spacefaring nation. Scientific & Societal achievements of the Indian Space Research Organisation (ISRO) are respected the world over for their simplicity and cost-effectiveness. ISRO has been successful in developing key technologies for complex rocketry systems and applying them for various solutions on the ground. However, the space sector is not a major contributor to the national economy because there is only one player that is ISRO. Also, India's share in the global space market is only around 3%, owing to the lack of capacity to address the commercial demands. This lack of capacity evolves from the regulation or rather the lack of it, in managing the commercial space activities in India."

Mr Sasibhushan said that It will not be an exaggerating to say that the true potential of the space industry can be better realized by promoting private investment in the sector. For enabling this in India, a suitable regulatory framework is a must. Governments across the globe have begun to recognise the rewards of favourable space legislations to reap the enormous benefits which the space sector may offer. United Nations Office for Outer Space Activities has 95 members out of which 25 nations have developed their domestic legislations for space activities.

Mr Sasibhushan said, “The end of the cold war between the US and USSR marked a new beginning for the space sector and gave a fillip to commercial space activity. The last few decades show the development of a new space or entrepreneurial space. Billion of dollars of investment came into the space activity, mainly in the west.”

He said that, in the United States, NASA Act, 1958 delegated all national civil space activities to NASA. The act had no mention of commercial participation. On the realization that the said act was hampering the growth of the space sector, new legislation – The Commercial Space Launch Act - was enacted in 1984. This act facilitated the private enterprise of the commercialization of space and space technology. This was perhaps the first move towards the commercialization of space and possibly the most significant development of the era. This put the USA as a world leader in the space sector. President Ronald Regan had stated at that time that capabilities of the private sector need to be harnessed for the US to maintain its dominant position in the outer space.

The Russian space programme was very secretive in the soviet era and completely under government control. The enabling of private sector participation in the space sector in Russia came after the breakup of USSR. The 1993 legislation permitted licensing of space activities by the Russian space agency. As a result, the joint venture now known as International Launch Service (ILS) has successfully launched over 390 commercial and state payloads aboard Russian Launchers since 1995.

In the UK, the Margaret Thatcher government laid the foundation of the British space programme with the Outer Space Act 1986. This act primarily deals with the licensing of the activities of the space sector. Thanks to the efforts of the successive governments towards promoting the space sector, since 2007-08, the UK space sector has registered a cumulative growth of 91 per cent as compared to the world growth of 42 per cent.

With the space sector promising rapid growth, the time is ripe for our country to bring appropriate legislation along with business-friendly policies to enable the Indian industry to establish its position in this highly rewarding and exciting domain at a global level. In the end, he hoped the space sector will become a major contributor to the Indian economy and generate thousands of jobs.

Hon’ble Mr Justice A. Muhamed Mustaqu said that the only way for India to effectively exploit the commercial aspects of outer space was to encourage the entry of private players. He added that ISRO has all the capabilities but, it also has the constraints of being a public sector unit. A lot of investment has gone into this sector from the Government side. Now, we should have appropriate legislation for the entry of private players in the sector. The technology developed by ISRO over the years can then be shared with them for extracting the commercial advantage of it.

Stressing the need for a proper regulatory mechanism for commercial activities in the space, Justice Muhmed Mustaq said that no business can grow without the support of the legal foundation.

Justice Mushtaq urged the universities like GNLU to concentrate on private international law in enhancing the air and space market and added that without the support of private international law, private players will continue to struggle in this field.

Spanned over eight days, the academy will cover various topics such protection of aerial sovereignty, military air law, aerial terrorism, regulation of unmanned aviation systems (drones), environment protection of space (space debris), regulating the surge in small satellites, space tourism, space insurance, contemporary issues of the Indian aviation industry, regulatory challenges in developments of airports in India and need for national space legislation for India

The resource persons for the academy include experts in the field of air and space law from India and overseas.

Following the inauguration of the academy, Prof. (Dr.) V. Balakista Reddy, Registrar, NALSAR, Hyderabad delivered the 3rd V.S. Mani Memorial Lecture on “Covidization and its impact on International Law, International Air & Space Laws: A Third World Perspective.” Dr Reddy fondly remembered his association with Prof Mani first as a student and then as a colleague. He briefed the participants about the significant contribution of Prof Mani in the field of international law in general and air and space laws in particular.

Dr Divya Tyagi, Head, VSMCASL and Assistant Professor of Law proposed a vote of thanks.

The academy has been organized under the aegis of GNLU’s V.S. Mani Centre for Air and Space Law in collaboration with the Institute of Air Law, Space Law and Cyber Law, University of Cologne, Germany from 27th September to 4th October 2020.

Media Contact:

Ashok Shah

Email: ashah@gnlu.ac.in, ashokshah.iima@gmail.com

Mobile: 9909960240, 8849110049