



**2016** Chinese Yearbook of Space Law

 **中国空间法 年刊**

李寿平 主编



世界知识出版社

# 中国空间法年刊

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## 总 序

随着人类空间技术和空间活动的飞速发展，二十一世纪必将是空间活动方兴未艾的世纪！半个多世纪以来，中国已经在探索与利用空间技术领域奠定了世界主要空间大国的地位。二十一世纪必将是 中国从空间大国跻身空间强国的世纪！

然而，我国无论是空间立法还是空间法研究都远远滞后于空间技术的发展。在国家作为空间活动主要主体的过去 50 年，国家通过政策、行政指令足以调整空间活动中的各类关系。在空间活动私营化、商业化发展的今天，加强空间立法成为我国空间事业发展的必然选择。完备的空间法律制度是推动中国空间事业的深远、稳健发展的制度保障。

空间法作为二十世纪后半期形成的新兴法律部门，随着空间活动的发展在欧美得到了飞速发展。欧美空间法学者对空间法的研究促进了空间立法的完善，促进了国家空间活动的有序发展。当今世界主要空间法研究基地都在欧美地区，其对空间活动发展中产生的新问题提供极具影响的法律对策。然而，空间法的研究在中国一直没有受到重视。在世界主要空间法论坛也很少发现中国空间法学者有见地、有影响的见解。近年来，这种现象虽有改变，但不容讳言，中国空间法研究尚处于起步阶段，与世界空间法研究先进水平的差距明显。

北京理工大学空间法研究所成立于 2006 年，是国内最早成立的空间法教学、研究专门机构之一。自成立以来，北京理工大学空间法研究所在教学、科研和资料建设方面均取得了骄人的成绩，特别

是其国际空间法模拟法庭教学在国内外更具影响。在科学研究方面，该所承担了国家社科基金等国家、省部级课题多项，特别是其国内资料最齐全的空间法资料中心，为从事空间法研究的广大学者提供了很好的资料平台。

为进一步提高中国空间法研究水平，为广大空间法研究学者提供系统的研究资料，北京理工大学空间法研究所立足于对每年的空间法资料的系统整理，主办了《中国空间法年刊》。我们期望通过自己的努力，将该刊办成一个学术交流的平台和经典资料平台。当然，我们的能力有限，在编辑过程中难免会有一些不当之处，还望各位同仁予以指正。

北京理工大学空间法研究所所长  
北京理工大学法学院教授



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# 学术论文



# **UN, ILA National Space Legislation and Space Conventions & Laws in the Republic of Korea, the Democratic People's Republic of North Korea, Australia and Japan**

**Prof. Dr. Doo Hwan Kim \***

## **I . Introduction**

Space has become an important sector in the world, which will develop with greater rapidity in the 21st century. Thanks to the expansion of the mobile communication, artificial intelligence and high technology industry, an increase in space exploration activities including Moon, Mars, Venus and other celestial bodies, the implementation of the International Space Station (ISS) program, the industry will grow continuously and the market size of the global space industry.

For this reason government of the Republic of Korea decided to actively foster the aerospace industry in 2011. The Republic of Korea now has a rapidly expanding space program with exploration aspirations. The South Korean space policy is based on the national space program and the following three space Acts. The Space Relationship Law of the South Korea is divided into three branches; (1) Aerospace Industry Development Promotion Act of 1987, (2) Space Development Promotion

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\* Honorary President, The Korean Association of Air and Space Law at Seoul, Korea, Visiting Professor of School of Law, Beijing Institute of Technology and Nanjing University of Aeronautics and Astronautics in China.



Act of 2005 and (3) the Act on Compensation for Damage Caused by Space Objects of 2007.

These Acts deals with the establishment of institutions and plans to assist the Korean space effort such as a the National Space Committee and Basic Plan for Promoting Space, launch licensing, registration of space objects, use of satellite information, astronaut rescue, compensation for damage caused by the space accidents and third party liability insurance, rescue of astronauts and pursues the objective of controlling space accidents mitigation and the regulation of compensation in case of damage, the financial support of aerospace industry.

Space law is an area of the law that encompasses national and international law governing activities in outer space. <sup>①</sup> Space law can be described as the body of law applicable to and governing space – related activities.

The term “space law” is most often associated with the rules, principles and standards of international law appearing in the five international space treaties. However, international space law also includes agreements, treaties, conventions, rules and regulations of international organiz – ations ( eg. the International Telecommunications Union ), national laws, rules and regulations, executive and administrative orders, and judicial decisions.

I would like to mention briefly the study for the model law of national space legislation proposed by UNCOPUOS and International Law Association ( ILA ) <sup>②</sup> as the followings.

## **II. Study for the Model Law of National Space Legislation proposed by UNCOPUOS and International Law Association ( ILA )**

### **1. The Legal Sub-Committee of UNCOPUOS<sup>③</sup>**

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① [http://en.wikipedia.org/wiki/Space\\_law](http://en.wikipedia.org/wiki/Space_law).

② <http://www.ila-hq.org/>.

③ <http://www.oosa.unvienna.org/oosa/COPUOS/copuos.html>.