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COMBINING SPACE LAW AND SCIENCE FOR EXPLORATION OF OUTER SPACE AND WORLD ORDER

BY

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Abstract

The theme of the 46th International Astronautical Congress is "Benefits of Space for Humanity". This theme provides an overall view of role of space exploration for lasting benefits of humankind. Therefore in my present paper I submit that the true benefits of mankind there is urgent need to combine space law and global science. Our civilisation is based on the scientific quest of man for knowledge, and on universal international law which ensures a progressive world. In this paper we make an attempt to describe the structure of international law of which space law is a part, and of the scientific revolutions that have brought forth the space age. Thus by combining space law and science we have a new observational tool to comprehend cosmic frontiers in outer space and a new world order of 21st century based on ecological and scientific principles. Space exploration gives us a means to see how the planet earth works, and therefore how man can see the benefits of the new paradigm in science, that of the biological revolution taking place the world over. The interaction of law in space with

scientific world will provide better understanding of human benefits and knowledge for a new global order of peace and harmony among nations.

Role of International Law

On the role of international law I get reminded of Professor Hardy C. Dillard who said that "The lawyers role is that of a generalist among specialists, and the theoreticians role is to create models in which norms and institutions are prudently tailored to needs."¹

In regard to space law, so far we were concerned with objectives of freedom and sovereignty, scientific exploration, non-appropriation, international consultation, common interests of mankind, liability for damage, search and rescue, registration of objects, and promoting all aspects of international cooperation.

Now from present to the 21st century it seems we are witness to news paradigm in the scientific world. In general there is emergence of a biologist view of the world and the biosphere. Thus there is the global environment movement towards seeking an ecological balance and stability of the biosphere. For the benefits of humanity, space law and exploration should be aligned with the biological principles shaping the biosphere. I have drawn attention to the

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ecological approach to international law which seems suited for the new ecological world order and for the benefits of humankind.² Among other things, the paper recommends the scientific principle of unity in diversity of global life, and sovereignty can be compared with the diversity of nature within an overall unity of the biosphere.

Law And Science And New Objectives of Space Law

I recommend that we continue the study of science philosophy with new jurisprudence in space. Many leading thinkers in law, science and history have sought to combine the study of law and science, and some even history Professor Harold Lasswell in his Presidential Address of American Political Science Association in 1956 said that the problem "is to consider political science [including all aspects of legal education] as a discipline and as a profession in relation to the impact of the physical and biological sciences and of engineering upon the life of man."³ Lasswell calls for a "central theory" which is related continuously to events as they unfold.⁴

New objectives of space law are concerned with life in other planets, seeking unity of knowledge by combining law and science, the evolution of global society, and ecological balance of biosphere.

International space law is eminently suited to pursue above objectives. The Space Treaty and other conventions reflect scientific principles of international cooperation, freedom, consultation, harmony with nature, pursuit of knowledge, and biological evolution of man.

Evolution of Global Society

I have discussed evolution of global society in the context of aerospace law. As I have said earlier, "Evolution is a subject involving the total development of man and

society. It represents progress, direction of change, and the aggregate of human achievements and fulfilments".⁵

There is tremendous rate of change of global life and even the environments. Aldous Huxley has said, "That we are being propelled in the direction of a Brave New World is obvious. But no less obvious is the fact that we can, if we so desire, refuse to cooperate with the blind forces that are propelling us".⁶ Arnold Toynbee called for the control of technology and harmony with nature.⁷

Biological evolution of man is essential at this point in history. Margaret Mead, the anthropologist, says:

There is a continuing interest in dealing with wholes: with humankind as a species, the single hominid species now existing on this planet, with many variations in climatic and breeding conditions, but still essentially one species, exhibiting complete intra-species fertility and hybridization between varieties as a source of strength.⁸

So we see in the biologist view that man is a single species. The ethnic conflicts going on at present in a few places in the world are in sharp contrast to the evolving view of a common man in a unified period of world history to which space exploration has lent a new momentum.

Space lawyers may like to read the UNESCO symposium on evolving scientific view of world based in science and synthesis.⁹ Science is a study of laws of nature. The science of law or jurisprudence is devoted to the study of the purposes of law. Hence, a combination of law and science will enable our enquiry be closely related to the laws of nature and the psycho-social laws of humankind. Thus there can be a harmonious evolution of global society. What we need is a "totality view" of nature as some space law jurists have advocated. The choice for a better life rests with man as Professor N.M.

Matte has said. He says: "...though man can free his mind in so far as complex technical calculations are concerned, even though he can rely on computers to obtain practically instantaneous answers to technical problems, the choice of his future life, of the places where he will live, move about, and progress scientifically and economically, remains his own."¹⁰ Hence man alone is to work out his future evolution on this planet.

Structure of Scientific Revolutions

It is interesting to study Thomas S. Kuhn, The Structure of Scientific Revolution¹¹ This is more so when we see so many scientific disciplines and social and economic sciences inter acting with the opening of space frontier. We see a new paradigm by combining international space law and global science in as much as this interaction helps us comprehend laws of nature better. It helps us see the biologist view of the world and the biosphere. It helps us realise a new unity of science. It discovers a new world order based on the biological foundations of law. This paradigm will help us solve the scientific problem of biosphere such as climate, global warming, ecological balance. It will produce a synthesis of scientific and psycho-social evolution of mankind based on single species. The search for spiritual reality is easier. As Arnold Toynbee says: "My belief is that there is an ultimate spiritual reality which gives the universe its meaning and value, and this ultimate reality is something single, not multiple."¹² Thus we see prospects of evolution of a single spirituality of mankind or call it a common spirituality of mankind.

CONCLUSIONS

We have global problems. Hence we suggest new paradigm of unifying law, science and history. We wish to see how our planet works, how man evolves, and how we live in harmony with common spirituality of humankind.

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8. See Margaret Mead, "Anthropology Today", in P. Albertson and M. Barnett, eds, Managing the Planet (1972), p. 187.
9. See Science and Synthesis. UNESCO Colloquium. New York, 1971.

10. See Professor, N.M. Matte, Aerospace Law (Toronto, 1969), p.3.
11. See Thomas S. Kuhn, The Structure of Scientific Revolution, Second Edition, Enlarged (University of Chicago, 1970).
12. See Arnold Toynbee, Surviving the Future (New York, 1971), p. 56.