

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

National space law and security – an update (5)

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ROLE OF THE NATIONAL LEGISLATION IN GOVERNING THE ACTIVITIES IN OUTER SPACE

Abstract

States' activity in outer space is a highly science-driven and technologically complex area. This fact determines necessity of close cooperation between states on different levels with the view of outer space exploration in the interest of humanity. The international legal governance of certain aspects of outer space activity, however, is still underdeveloped, i.a., due to the ponderosity of the treaty process and reluctance of states to engage in constructive dialogue. That said, "soft law" in the form of the United Nations General Assembly resolutions and the national legislation of states become more prominent in the area of outer space activities. Role of the national legislation in this area is hard to overestimate. Major part of the crucial aspects of the outer space activity have found their place solely in the national legislation, filling the existing lacunas and influencing formation of international space law. It is no wonder that the Committee on Peaceful Uses of Outer Space pays great attention to the issue of analysis and generalization of national regulation of activities in outer space. According to the report on the work of 2019, exchange of information on the national legislation allows states to get an insight to the existing systems of domestic regulation, exchange experience based on the domestic practice, and that the results of that are especially useful for both, developing and developed countries. States improve their domestic outer space activities on a regular basis, and it is directed at governing and regulating the outer space activity; raising competitive capabilities of governmental and nongovernmental organizations, etc. Recommendations on the national legal regulation of space activity are being developed on the international legal level. They can be found in such documents as the Report of the Space Law Committee of the International Law Association, Report of the Working Group on National Legislation of 2012 and the UN General Assembly Resolution "Recommendations on national legislation relevant to the peaceful exploration and use of outer space" of 16 December 2013. Russian space legislation is relatively young, since during the USSR period any kind of space regulation was completely absent from the legislation. That issue raises before the Russian Federation a complex task of a comprehensive governance of national activities in outer space with the aim of protection of national interests and sustainable development, given its status of a "spacefaring nation".