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INTERNATIONAL SPACE LAW A HINDERANCE TO SPACE ACTIVITIES?

Abstract

Space has changed immensely in both the 20th and 21st century, but the law has not. The laws governing such activities is the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies resolution 2222 (OST). The OST create legal international clarity in which domestic law enhances the states obligations and builds upon the OST. While undoubtedly the OST has laid the foundations for space activities and remains vailed in the 21st century it has left gaps in enforcement, legal advancement, and the suitability of space governance.

The creation of space governance and the proactive nature of such develops a topical question for clarity in the 21st century. The activities and suitability of space governance for non-governmental organisations in light of current day activities presents an international development gap. It may be argued that the OST was not prepared for the likes of commercial activities or the environmental impact of scientific missions. But the framework provided by the OST allows for a simple view of space. It is therefore left to the current governance structure to examine the productivity of these groups within the state or state itself under article VI of the OST. The hindrance of international law would therefore fall upon current measures and whether the ability of space governance can produce a sustainable agreement that benefits the state and space under the OST. This article will consider the premise of the OST's ability to act within the 21st century and the suitability of space governance to 21st century space activities. Moreover, elements of non-governmental influences will feature throughout to discover whether a hybrid approach can be formed by using the OST as a legal foundation base in which space governance through non-binding agreements, international agencies and domestic actors can create a basis for the future of space.

This article will follow a doctrinal approach and bring in concepts of international law, domestic law, and ideas from regional space agencies. The developments from international law, state practice and space law will feature throughout. Ideas from private actors' philosophies and mandates awarded to international and regional agencies will form a basis to which space could be accepted in the international community.