

Legal Issues Related to Space Exploration (13)

Present and future regulation of space exploration and exploitation: general issues (1)

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BEYOND OUTER SPACE TREATY

Abstract

Current time in space technologies is not of the two super powers of the U.S. and the Russia competing for the control of the heavens. The extent and the pace of the rapidly changing space technologies and regulatory mechanism of explorations world over, the Outer space treaty seems to be do little justice to the requisite legal framework for space activities. The advent of new democracies and the increased participation of the private sector in space explorations; Space tourism, and the eventual low-cost access to orbit that it implies, is the thin end of the wedge for a whole new area of commercial space activities including space solar power, space mining, and space manufacturing. The nation states may look upon this phenomenon as a potential economy generators may be by developing and effective taxation regime for commercial activities in outer space. The outer space treaty is beyond doubt one of the most successful multilateral, international treaties ever promulgated. However, human activity in outer space is confined to low Earth orbit and unmanned space exploration of the solar system proceeds at a leisurely pace. The Space Age has sputtered to a crawl and the 1967 Outer Space Treaty deserves a large measure of the blame. Taking a long look backward at the history of humanity, it becomes quickly evident that it is folly to say that anything should never change, even the Outer Space Treaty. Under the light of the changing space scenario and increased participation of private sector in technology and the commercial activities, the aim of this paper is to advocate and propose the need of the review and rather bring in substantial changes in the Outer Space Treaty. No treaty revision occurs in a legal vacuum. It must occur within the framework of the entire prevailing legal system, related agreements and general principles of law. The insufficiency of the treaty in addressing the needs of the day and future is the main focus of the paper and also an attempt to propose points to ponder for the much required new regulatory framework for the space activities.