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The Interaction between International Private Law and Space Law and its Impact on Commercial Space Activities (2)

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PRIVATIZATION OF SPACE LAW: NEGOTIATING OF COMMERCIAL AND BENEFIT-SHARING ISSUES IN THE UTILIZATION OF OUTER SPACE.

Abstract

Space law is not a "self-contained" body of law; its main source is international law. One of the important consequences of that is to make states the main actor in outer space activities. As can be seen from the five space treaties, the original character of space law is public law that specifically governs state activities in outer space. However, the privatization and commercialization of outer space that has taken place intensively in the last two decades has encouraged space law to be more responsive to private and commercial issues. Article VI of Space Treaty allows non-governmental entities to engage in space activities. This means that privatization and commercialization of space activities are legally acceptable. This Article, however, does not make any limitations of which space activities that can be commercialized and which ones are not? If the Article will be read that all space activities can be commercialized, the main question is, whether it is not contrary to the basic spirit of space utilization: for the common interest of all mankind? In Addition, the Article tends to be read only in the context of liability in case of an accident and failure in space activities, and does not relate this with the concept of outer space as a common heritage of mankind that creates the obligation of sharing benefit. This paper will specifically discuss the orientation and form of the privatization of space law to remain within the basic spirit of the utilization of outer space: for the common interest of all mankind.