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SUSTAINABILITY OF COOPERATION IN OUTER SPACE ACTIVITIES THROUGH ENDURING
LEGAL FRAMEWORK

Abstract

‘Exploration and use of outer space shall be carried out for the benefit and interests of all countries, irrespective of their degree of economic or scientific developments’ as promulgated by Outer Space Treaty (OST) vide Art.I. The need for promotion of international cooperation in such space exploration activities has been stressed in OST vide Articles III, X and XII. Most space faring nations are pursuing collaborative space programmes through appropriate legal instruments. International Space Station established and operated through an Inter-Governmental Agreement between major space faring nations is a live example. Space activities are high-technology and high-investment oriented. Further, space Technologies are dual-use in nature and hence fall under the purview of multi-lateral export control regimes such as MTCR and Wassenaar Arrangement, from the view points of proliferation concerns. Further, various export control regulations at national level such as ITAR of USA oppose a great deal of restrictions and even denials for export of equipments and technologies across borders. Also, such regulations practically pose certain restrictions for sharing of technological information and technologies under cooperative space programmes. While OST emphasizes the promotion of international cooperation in outer space activities, technology control regimes pose impediments to such affairs. Nevertheless, circumventing such non-technical barriers to space cooperation, quite a few space projects are pursued internationally and accomplished successfully. India has been pursuing space activities over 5 decades for peaceful purposes with applications oriented programmes. India is seriously engaged in international cooperation in outer space activities for peaceful purposes and has established cooperative arrangements with more than 33 countries and with three international agencies. India’s Chandrayaan-1 and Meghatropiques missions are glaring examples of true international cooperation. With this background, through this paper, it would be attempted to elaborate the need for international cooperation in outer space activities, impediments posed by export control regimes and the way to progress further towards bringing the benefits of outer space activities for the benefit of humankind.