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INTERNATIONAL SATELLITE ORGANIZATIONS: THEIR EVOLUTION FROM “ISOS” TO
“GSCS”, AND THE LEGAL IMPLICATIONS OF THE PRIVATIZATION /COMMERCIALIZATION
OF SPACE ACTIVITIES.

Abstract

In the late 1990s and early 2000, major ownership changes occurred in the two principal international satellite organizations (ISOs), INMARSAT, and INTELSAT. These changes were brought about through “market forces” as well as by legal pressure, most notably the US “ORBIT” Act of 2000. Eventually two regional satellite organizations, EUTELSAT and ARABSAT, were restructured, although they were not directly subject to the ORBIT Act’s terms and conditions.

While a small intergovernmental organization still exists, (ITSO, IMSO, EUTELSAT-IGO) the operations of the former ISOs are now handled by global satellite corporations (GSCs). (Even the word “international” seems to be disappearing from most lexicons, and has been replaced by “global”.)

At the same time, international treaties and intergovernmental agreements seem to be taking a second place to private contracts and agreements, particularly between financial institutions. Will the agreements that were fundamental to the transformation of the ISOs into GSCs continue to be honored? How do these changes in ownership and operations affect the treaties related to space activities? Should they be updated, to accommodate the growing and pervasive influence of private parties? Should global financial enterprises be held accountable to the international community in the same manner as States?

This paper attempts to answer these questions, while providing an overview of the privatization / commercialization trend, its impact on space activities, on the interpretation of the space treaties, and will draw some conclusions, even lessons, therefrom.