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PRIVATE SPACE ENDEAVORS: TRIGGERING THE DEVELOPMENT OF SPACE LAW IN NEW  
SPACE ERA

**Abstract**

There is no doubt that space law plays a pivotal role in governing human's access to space, space explorations and exploitations. However, established in the 1960s and 1970s, international space treaties (OST, RA, LC, RC, and MA) are lagging far behind the rapid development of concurrent space activities, in particular when applied to private and commercial space explorations. The treaties provide a rather broad frame in regulating private and commercial space activities instead of an in-depth one. In addition, because they were thought of at a time when there were no private space activities, they fail to respond to many of the challenges of the new space age. It is also important to note that, given the development of space activities in the new space era, a broader meaning of space law *sensu lato* should be taken into consideration, which may, in many instances, play a more important role than the traditional space treaties and corresponding national space laws. The paper will examine how space national legislations can efficiently respond to the needs of the private sector whilst remaining in compliance with the space treaties, including how authorization, monitorization and liability legal provisions (among others, such as insurance) may be used to facilitate private space activities. It will also analyze other legal elements besides space treaties and national space laws that regulate and facilitate private space endeavors, which include insurance, import/export control, intellectual property rights, orbital slots, and environmental protections, etc. Analysis of the contributions that small satellites and their potential reduced risk may play in this regard will be examined. Comparative studies will also be engaged in the paper to illustrate the difference between traditional and non-traditional approaches and how they can impact private activity. It will conclude that space treaties and national space laws reflecting them are only a small fraction of the complete framework for regulation and promotion of space activities but that space national laws can nevertheless be construed in a manner that can boost private activity, despite the constraints of the space treaties. It will also conclude that, in the era of new space, space activities rely largely on all legal frameworks to work jointly especially for launching a private and commercial endeavor.