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PRIVATE SPACE ACTORS - THE KEY ELEMENTS TO THE CHANGING LEGAL FRAMEWORK:  
THE BOEING EXAMPLE

**Abstract**

In June 2016 Boeing announced its plan to deploy around 3000 V-band satellites in low-earth orbit. In addition, to the technical challenges that this mega constellation will pose to the existing higher-orbit satellites and wireless terrestrial networks, Boeing's plan also brings to the fore a number of legal challenges. While applying for licence to the US Federal Communications Commission (FCC), the Boeing is at the same time asking the FCC to modify eight of its existing rules in order to permit the system's development (e.g. to raise its power flux density limits, to accept a two-part deployment plan without affixing licensing and bond-deposit requirements on each). Interestingly, Boeing even went a step further, and asked for a modification at the international level. Namely, it requested the ITU to broadly review C- and V-band spectrum rules at the World Radiocommunications Conference (WRC) scheduled for 2019. The argument put forward was the following: Radio Regulations are still based on previous-generation NGSO (non-geostationary-orbit) technologies and they are precluding the new generation of NGSO systems to achieve their full potential. This argument was sustained and reviews were put on regulators' agenda for the next WRC.

This is just one of the current examples of new trends in the space industry (there are other companies with similar aspirations, e.g. OneWeb). These private actors not only challenge current regulations at the national and international level but they also create a certain set of standards by implementing measures in order to assure that more space debris is not created. It is worth mentioning that this considerable push by the private players for new regulation and new type of behaviour, is in line with the new "Guidelines for the long-term sustainability of outer space activities", elaborated by the Working Group on the Long-term Sustainability of Outer Space Activities. Even though, these guidelines are voluntary in nature, through these private actor activities, a tendency towards future hard norm creation can be observed.

Therefore, the aim of this paper is precisely to examine new trends in the private space industry and the influence they could have on the norm creation in the near future. The question arises whether the private actors also have a saying in changing the old regulations and in finding new ways to resolve imminent legal issues? And are the private actors actually now the key element in the advancement of the legal framework governing space activities?