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Space law Developments in Asia-Pacific: Diverging national space legislation with regard to the applicability of space law to suborbital flights (4)

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KEEPING UP WITH THE NEIGHBOURS? REVIEWING NATIONAL SPACE LAWS TO ACCOUNT FOR NEW TECHNOLOGY – THE AUSTRALIAN AND CANADIAN EXPERIENCE

Abstract

The development of space-related technology since the dawn of the space age in 1957 has given rise to many new and exciting possibilities. It has also meant that space activities continue to evolve, facilitating the participation of a variety of space 'actors' other than States. Given the international responsibility of States for 'national activities in outer space' under both customary international law and the Outer Space Treaty, there is an imperative for States to enact relevant and contemporary national space law to regulate those non-governmental space actors within their respective jurisdiction. But enacting national space law is not enough – as the paradigm of space-related technology changes and evolves, it is clear that such shifts require the ongoing review of appropriate national regulatory standards over relatively short timeframes. National legislatures have to come to grips with the ever-changing range of space technology, particularly if they wish to become increasingly involved in space activities. Whatever rules are put in place during the review process must find the right balance between, on the one hand, the need for regulation of the economic and technical elements, so as to minimise the risks to an acceptable level, and the facilitation of research and innovation to allow for greater and more efficient access to space, and the potential for commercial returns, on the other. This paper will describe this process of review and rejuvenation of existing national space laws in both Australia and Canada, outlining the relevant factors that were taken into account in order to maximise the utility of the regulations to meet the specific goals and requirements within each country.