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THE IMPACT OF THE PRIVATE SECTOR ON SPACE REGULATION

Abstract

In author's opinion the future development of the space mining industry and its regulation depends mainly on the level of activities of private entrepreneurs. These activities not only create new technologies and solutions for space exploration, but also have an influence on international and national public policy and regulations. The voice of space enterprises is thus being increasingly heard not only at the national level, but also at the international level.

The impact of private sector activities and their development on space regulation can be seen through, inter alia (i) the introduction of a new organisation to strengthen the voice of space entrepreneurs at the national level, such as the Commercial Spaceflight Federation in the US, (ii) the participation of these entrepreneurs in international initiatives such as The Hague Space Resources Governance Working Group, (iii) the increasing role of private entrepreneurs in space projects conducted by national agencies, such as cooperation between Boeing, Space X and NASA regarding creation of a commercial capsule and launchers, (iv) direct investment ventures between a given country and foreign private companies, such as the cooperation between Deep Space Industries and Luxembourg.

Consequently, the role of the private sector in space policy and regulation is increasingly seen not only at the informal meetings, but also in lawmaking bodies, both at the international and national levels. This unprecedented impact of private companies on space policy shows the modern directions of development of space activities and consequently of space law and space policy. Cooperation between the public and private sectors is, however, necessary for the benefit of both of them. Thus, we believe that future changes in space regulation and space policy will be determined primarily by the private entrepreneurs. Moreover, such impact is also essential for developing a range of activities in outer space.