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NEWSPACE - PUTTING AN END TO NATIONAL PRESTIGE AND ACCOUNTABILITY?

Abstract

In the first decades of space activities, these were to a great extent shaped by the respective State's pursuit of prestige on the domestic, as well as on the international level. Space activities were classically considered a means of constructing the national identity in space-faring nations. The international legal framework, that was conceived at the beginning of the space age and which is still valid today, testifies of the very specific role a State acquires when space activities are carried out that it may become responsible and liable for. The legal appreciation of accountability matters builds internationally mainly on two sources of law: Articles VI and VII of the 1967 Outer Space Treaty and the 1972 Liability Convention. This paper will provided an overview of how those pertain to the activities of private actors in space and what the roles of States and the international community are in this legal framework to ensure the accountability of private actors. The ever growing importance of NewSpace raises, however, questions about this traditional understanding of space activities. Therefore, this paper will further look into the question to what extent NewSpace activities still make a contribution to a nation's prestige and how this aspect may contribute to the motivation of a State to attract the actors and activities of NewSpace with national legislation that plays its own part in shaping the relation between the State and the private sector.