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CURRENT DEVELOPMENTS IN EXPORT CONTROL AND SPACE LAW

Abstract

(E7.5) Current Developments in Space Law Robin J. Frank Associate General Counsel International Law, Office of the General Counsel Juan F. Santos, Esq. Export Control Administrator National Aeronautics and Space Administration (NASA), US This panel looks at recent developments in the field of peaceful uses of outer space in the context of export and international trade in dual use goods with a view towards implications for the sustainability of space and the use of common technology. What are “technology exports”? Is “space sustainability” the ability of all humanity to continue to use outer space for peaceful purposes and socioeconomic benefit over the long term? This paper will look at US legal developments and non-legally binding regimes to begin to answer these questions. In October 2016, the US Department of State and the US Department of Commerce published companion administrative regulations to move items from the strictly-controlled State Department United States Munitions List to the more liberal controls on the Commerce Department’s Commerce Control List (effective December 31, 2016). These administrative regulations were the final actions taken under President Obama’s Export Control Reform Initiative (ECR). In August 2009, the President directed a broad-based interagency review of the U.S. export control system, with the goal of strengthening national security and the competitiveness of key U.S. manufacturing and technology sectors. This paper also will consider older international non-legally binding Regimes, including the 1987 Missile Technology Control Regime and the 2002 Hague Code of Conduct Against Ballistic Missile Proliferation, and will consider relevant aspects of World Trade Organization agreements.