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Legal framework for collaborative space activities - New ways of launching (micro-launching) and large constellation microsats (Joint IAF/IISL session) (7-B3.8)

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A NEW APPROACH TO NATIONAL LAWS AIMED AT ENCOURAGING SMALL SATELLITES' SPACE ACTIVITIES

Abstract

The UN Outer Space Treaties establish a set of requirements designed at a time of public led space activities undertaken by a limited number of countries. They, therefore, may seem misaligned with the increasing privatisation and commercialization of space activities, especially with the emergence of constellations of small satellites. This paper will analyse the extent to which national legal and regulatory frameworks can be designed to respond to the needs of private space activities without compromising international commitments, the peaceful uses of outer space and the safety of space activities and of outer space. This analysis will be made at three levels: firstly, by means of investigating the most appropriate national approach to outer space considering the features and goals of the country. Highlight will be made of non-traditional approaches, such as the ones of Luxembourg and the Isle of Man, and to what extent they respond to the requirements of a private sector launching and operating small satellites. Secondly, by highlighting that a comprehensive space regime that appeals to the private sector shall look not only at space regulatory issues, but also at other topics relevant such as IP protection, tax, incentives/grants and exports controls, among others. A coordinated and effective institutional structure is also essential so that continuous dialogue and cooperation between the government and the space community is maintained. Thirdly, by means of suggesting how a law on space activities can contain provisions that respond to the rise of private activity and of constellations of small satellites, including how authorization, monitoring and liability legal provisions (among others, such as insurance) may be used to facilitate private space activities. In this scope, special attention will be paid to the new Portuguese Bill on Space Activities and to the innovative solutions it enshrined, such as blanket licenses for satellite constellations, speedier procedures for certain space activities (including for less riskier activities such as small satellites), possibility to reduce or waive insurance requirements for activities with lower risks, a one-stop shop for all licenses required for the space operation, among others. Analysis of the proposals aimed at guaranteeing the sustainability of space activity and outer space will also be made. This paper will thus show that a new legal approach, that is built together with and answers to the private sector, is needed and possible, despite the constraints of the Space Treaties and in compliance with them.