

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)  
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EMERGING PROVISIONS OF DOMESTIC SPACE LAW

**Abstract**

The developing dominance of the New Space and Space 2.0 movements has spurred nations to reform, revitalise and introduce new legislation to address emerging business practices. Many activities commercial entities are planning and conducting now are well beyond the contemplation of those who drafted the original suites of domestic legislation in the late 20th century. Some nations have adopted new legislation for the 21st century, while others have introduced reforms that merely rephrase and reiterate existing statutory provisions. Despite this, industry has demanded new and innovative approaches to existing legal principles, in many instances compelling States to accept new interpretations of existing international law, accept higher levels of liability and risk, experiment with new phrasing, and draft provisions that are clearer and accessible. Modern social and corporate responsibility is also emerging as an important factor in respect of activities in outer space. These emerging concepts are beginning to enter into domestic legislation, with considerations of how companies are to act, why they are acting, and their competence to act, in the outer space domain entering into the regulatory regimes of many countries. These considerations require New Space actors to overtly consider the consequences of their actions while imposing a new layer of regulatory burden and ambiguities in enforcement domestic legislation in an environment devoid of traditional concepts of sovereignty and an inability to act on objects and people in orbit that may be in breach of domestic or international obligations. This paper will directly address the introduction of legislative provisions in order to facilitate and promote new and innovative commercial activities in orbit, while recognising the increasing body of law directed at responsible commercial activities and operations in orbit.