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SHARM EL-SHEIKH PREVIEW: CREATING SPACE LAW TO ENABLE SPACE APPLICATION
INNOVATION AT WRC-19

Abstract

As a wave of new commercial space applications readies for launch from the drawing board into actual space, there is an urgent need for global and national legal/regulatory frameworks to support and govern these innovations within the framework of the Outer Space Treaty. One venerable regulatory institution is meeting of this challenge head on: the International Telecommunication Union (ITU). The ITU's ongoing activities to incrementally prepare a basis in international law to both encourage and regulate these new space innovations quietly establishes a proven a model for the world to follow.

In 2019, the ITU and its members are finalizing their preparations for the next quadrennial treaty conference, the 2019 World Radiocommunication Conference (WRC-19) which will address, among many other items, how to handle the filings for new very large non-geostationary satellite constellations (the so-called Mega-LEOs) and also the growing number of cubesats, which are often launched without adherence to the ITU's Radio Regulations, a treaty instrument which addresses use of radiofrequency spectrum and the geostationary and non-geostationary orbits. WRC-19 will be convened 28 October to 22 November 2019 in Sharm el-Sheikh, Egypt, to address these and many other emerging international communications issues.

This paper will examine how the ITU, including its Member State and private sector members, are working together to develop a legal framework that will balance the encouragement of innovative new space services whilst ensuring that existing international legal norms are observed. In particular, it will provide insights on this process by describing key space issues to be addressed by WRC-19.

The ITU's longstanding history of successfully facilitating new space technologies is remarkable and offers an often overlooked model for other institutions.