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US EXPORT CONTROL OF SPACE TECHNOLOGY AND INTERNATIONAL COOPERATION

Abstract

The U.S. government maintains control of the American space industry through both, a reliance of American space companies on the government for their revenue and contracts and through export control regulations that decide how technology and information may be sent abroad. The U.S. has also increased the intersection of space and defense, creating an ever more prominent emphasis on the role of space in national security matters. All of this has led to the arsenalization of space capabilities, the concentration of space power within the state. This practice of arsenalization has worked to the detriment of American companies and international relationships. While trying to keep sensitive information and technology out of the hands of competing states, the U.S. has frustrated relationships with longtime partners. U.S. and international policy nominally emphasize the importance of multinational efforts in space exploration and research through documents like the Outer Space Treaty, but actual state practices work against cooperation. This paper argues that the U.S. can look to longtime partners with whom it shares many priorities to begin to relieve the tension between national security and business, between arsenalization and international cooperation. First, by working with partners like Europe and Japan, the U.S. can lean on longtime military and economic ties to create an atmosphere conducive for both industry and the state to work more freely, and with fewer burdensome export controls. The U.S. can create exemptions within export control for states with close relationships, and can use the current exemption Canada enjoys as an example. Second, it is equally as important for the U.S. to work toward a new international understanding of the laws governing space. Much has changed since the Outer Space Treaty in 1967, and many more actors, both state and nonstate, are currently active in space. Multilateral agreements would work most effectively with, and compliment greatly, a new international agreement on the laws of space. This paper builds from the research of government and private groups, policies from national and international bodies, and an extensive scholarly archive on the impacts of export control and international relations in space. This paper situates itself the intersection of literature on space law and export control. In doing so, it provides an insightful contribution on how the U.S. can achieve a better balance of government and business interest, while also realizing its goal of international cooperation in space.