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THE NEW COMMERCIAL SPACE ACTORS TO WATCH: AUSTRALIA, NEW ZEALAND AND
LUXEMBOURG

Abstract

During the Cold-War, space activities including space research, technological development, and negotiation over international space treaties, were dominated by the superpowers who had both the economic and defensive firepower to lead the way. The major space-faring nations tended to align their space-related issues from a general Cold-War centric posture. As a result, it is probably accurate to report that most major-space-faring nations continue to have space programmes and space law that have been built upon historical foundations of Government-, and Military-, led defence and security interests in space.

But Australia, New Zealand and Luxembourg are different.

Whilst Australia still encompasses an historical security and defence posture in its space program and space legal-framework (as a result of its Cold-War space-related activities and alignments with the UK and the USA), it has certainly begun to shift towards a new commercially-focused paradigm that has been adopted by New Zealand and Luxembourg. Both are small-first world nations that have adopted space programmes that principally focus on the development and growth of their respective commercial-space sectors. Interestingly, their space-legal-policy frameworks are also drafted in a way to encourage commercial space activity and growth; for example in New Zealand there is no application fee for applying or holding a payload permit and similarly there is Ministerial discretion concerning the requirement to hold insurance.

This paper presents an overview of these 3 nations space legal-policy frameworks and compares the commercial nuances that are driving these space-faring nations towards the next stage of our space history which will firmly reside in commercial space interests.