

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Current Developments in Space Law with Special Emphasis on National Space Legislation (7)

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FORGING NEW SPACE LAW TO SUPPORT INNOVATION AND SUSTAINABILITY OF SPACE
RESOURCES: PREVIEW OF THE 2023 WORLD RADIOCOMMUNICATION CONFERENCE

Abstract

The blistering pace of innovation in space, including the unprecedented growth of the population of satellites in Low Earth orbit, continues to advance unabated accompanied by ongoing announcements of new projects – some of even greater enormity. Accompanying this new space boom are increasingly urgent calls for governance of this regime – or at least norms, guidelines or standards to enable the safety, security, and sustainability of space for the benefit of all.

Space, the province of all humankind, is beyond the jurisdiction of any single country – or possession by a non-state entity. The Outer Space Treaty of 1967 set the fundamental framework for governance of our use of space. Along with the accompanying four UN treaties of that era, this legal framework has continued to guide us well for several decades, but the multidimensional emerging challenges of this new era require updated approaches and solutions. However, there has not been a complete absence of new space law in this modern age.

The International Telecommunication Union (ITU), a specialized agency of the United Nations, has been continuously developing new treaty law provisions to address the sustainability of spectrum and orbital resources while enabling new space services since 1963. The Radio Regulations, the treaty-level document containing detailed provisions to ensure efficient and equitable use of the spectrum and orbital resources, is updated every four years by the World Radiocommunication Conference (WRC). Thus, the Radio Regulations are continuously updated to accommodate new services and technologies; to avoid harmful interference to incumbent operations; and to ensure efficient and effective use of shared resources to enable equitable access and extension of new services. Following each WRC, Administrations embed its decisions into their domestic regulations. The ITU will convene the next WRC in 2023 in the United Arab Emirates.

WRC-23's agenda addresses a broad array of new space services, including managing large new non-geostationary satellite system filings; enabling these new systems to provide broadband services to earth stations on moving platforms such as aircraft and ships; expanding provision for space-to-space links to enable connectivity between different orbital regimes; regulatory provision for space weather sensors and space planes – to name just a few examples. This paper will inform our audience how the ITU continuously updates space law to accommodate emerging space services while preserving sustainability of shared resources in the specific context of the challenging agenda of WRC-23.

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