

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
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HOW TO EXPLORE OUTER SPACE INSTEAD OF CONQUERING IT?

Abstract

As it is well-known that the exploration and use of outer space should be the provenance of all mankind. The issue of exploring outer space has been settled by the UN. Several countries have already passed national bills, which regulate downstream, upstream and even the future exploitation of resources which could be found on the celestial bodies. It is agreed upon that countries shall not regulate space in such a manner which could threaten unconfined exploration. Even though the exploration should be conducted with cooperation and mutual assistance it is clear that objects placed into orbit or in outer space give beneficial outcomes in Earth observation and military reconnaissance. International space law provides general frameworks and general norms but does not provide sufficient enforcement of national laws. The question that arises is what matter should be considered to be subordinate to national law and how can the international community require fair cooperation.

With the ongoing industrial revolution, automatization, and increasing influence of AI new possibilities for outer space exploration are on the table. Thus, more countries will pass national bills allowing for easier upstream. The information provided by objects in space contributes to the development of new downstream facilities. Automatization combined with pressure on space exploration might lead to a situation, where many countries would eventually have contradictory and incoherent regulations leading to international disputes. Along with the growth not only in numbers but also in types of objects, which can be sent into space, comes the issue of responsibility and liability for them. This matter can be divided into four categories: on Earth; on-orbit; in outer space; on celestial bodies.

Along with the liability comes the issue of insurance and coverage of potential damage caused by the space activity. Should the activity in space be regulated by already existing laws of tort or should there be a specific rule of compensation for the aggrieved party?

It is also not clear what should be the scope of the national law – whether it should focus on sending objects into space or also regulate the entrepreneurs, licensing their copyrights and responsibilities. There are many barriers which slow down the development of national space law, such as managing the risk, registration of space objects and cybersecurity. There is a heated debate about whether a state should stand as a supervisory authority or as a monopolist.