

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Key Governance Issues in the New Space Age (4)

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BENEFICIARIES OF THE NEW SPACE AGE: EFFECTIVE GOVERNANCE BY FOLLOWING THE
REACH OF BENEFITS TO ALL HUMANKIND

Abstract

The three most fundamental principles of outer space law found in the Outer Space Treaty of 1967 are arguably peace (article III), freedom of exploration (article I) and for the benefit of all (article I). These three principles are also embodied in the preamble to the Outer Space Treaty and in its predecessor, the 1961 Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space. Of these three, the principle of most economic consequence is the “for the benefit of all” principle which is why it is also the most misrepresented. The benefit of all principle is usually perceived in a rather narrow scope which necessarily leads policy makers and legal scholars to often propose interpretations which neither represent economic realities nor social observations. This, in turn, provides a barrier in the governance mechanisms being able to effectively support the benefits of space being in the common interest of all humankind. This research discusses the meaning of key terms of the benefit of all principle, lays out the relevant principles of economics and provides case studies on the benefits and beneficiaries among various economic and governmental sectors. The end-uses and other derivative consequences of NewSpace are then analyzed which allow a distinction to be made against the benefits derived from traditional space activities. A discussion of economic principles, including case studies and an analysis of NewSpace and traditional space benefits provides useful information for governance bodies. Ultimately, this research asks whether the current definitions and approach to the benefit of all principle are suitable or whether re-calibration should be considered (and what calibration may look like) to better assist international organisations in facilitating space activities bringing benefit all humankind.