

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

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A THEORY OF SPACE GOVERNANCE

**Abstract**

Why should a lawyer care about governance? The use of the word governance belies that it involves things that sit beyond the scope of the law, and if the lawyer's job is to interpret and apply the law, then seemingly the concept of governance sits beyond the realm of the lawyer. Or, at least, so I've been told. At the same time, in technological areas we often find that the lawyer runs out of applicable law, and then what are they supposed to do?

This paper will take up this thread within the context of space governance. It will claim that understanding governance processes surrounding space are critical for the legal practitioner regardless of whether that practitioner functions in a civil, military, or commercial capacity. To do this, it will attempt to better theorize what space governance is and why it is so meaningful in this area. This theory will draw the connections among a variety of governance mechanisms to show how robust governance creates, in effect, regulatory structures of which legal practitioners must be aware.

This paper will proceed by first analyzing the nature of governance and specifically space governance. It will then analyze the various sources from which governance flows including technical standards, policy documents, and principles, among others. Finally, it will demonstrate the regulatory effect of governance and its importance to a full and robust understanding of space law.