

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

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ACCESS TO OUTER SPACE IN NEWSPACE ERA

Abstract

The outer space has democratized and is no longer serving national interests of and accessible to a few countries. In the last decade, outer space has democratized and has been accessible to many private players and to former non-space faring States. This boom has especially resulted on realization of the potential of space economy. The space industry is currently worth more than 400 USD and analysts expect the industry to grow to 1 trillion USD by 2040. In addition, a flourishing space economy attracts investment, generates research and developmental opportunities and contributes to GDP of a State. Further, humankind has realized that besides national prestige and security reasons, space has many benefits such as earth observation, global navigation and satellite communications are instrumental for functioning of many daily activities on earth. Further the COVID-19 pandemic exposed the acute need for real time data and connectivity during lockdowns and thus revealed the importance of space-enabled services.

The preamble of the Outer Space Treaty, widely considered the magna carta of space affairs, provides that “exploration and use of outer space should be carried on for the benefit of all peoples irrespective of the degree of their economic or scientific development.” The question however is whether the space technology and the benefit of space technology has been accessible to all interested entities. An associated debate is that despite the democratization, benefits of outer space are being enjoyed by developed countries and entities in developing countries whereas the developing countries have not been able to enjoy the benefits of outer space as much. This statement is true to a certain extent as proven by the fact that more than 120 States do not own and operate even one satellite. However, we believe, that the debate is more nuanced than what it appears prima facie. Are the States, which do not own and operate a satellite, not benefitting from space applications as after all satellite signals are blind to man-made borders? Do all entities in developed countries have access to outer space, necessary regulatory support and investment? Does no entity in developing country have access to space?