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EMBEDDING EQUITY IN THE NORMATIVE FRAMEWORK OF SPACE GOVERNANCE: A
FOUNDATIONAL APPROACH TO SUSTAINABLE POLICY DEVELOPMENT

Abstract

The rapid growth of space activities has demanded a robust framework for governance, yet the principle of equity persists insufficiently represented within the current legal system regarding the use and exploration of outer space. The existing body of International Space Law, which is formed of treaties, customary regimes, and "soft law" arrangements, has mostly been used to address scientific, security, and economic issues over the years. However, the lack of efforts to encourage fair sharing of resources and space poses a threat to future space activities that need to be sustainable and open to everyone. This paper posits that equity need not be detached from governance processes but incorporated as one of the key guiding principles into the norm-producing processes of space governance to achieve optimal sustainability of the international space legal order. This research considers the existing international frameworks, such as the Outer Space Treaty and the Moon Agreement, and the most recent soft law initiatives that accommodate equity promotional norms. It touches on how principles of equity could shape fundamental governance features including resource exploitation, pollution, and peace within the space realm. Admittedly, however, a legislative amendment is political and, in some cases, contentious; such a position could be neutralized by claiming that equity could be incorporated through norm transfer, which gradually determines the understanding, application, and expansion of space law in the direction of its practicability to its variety of users in spacefaring countries and non-spacefaring countries. Considering the contemporary developments in space, such as the emergence of commercial actors or the need for resource exploitation, this paper examines the legal consequences of an equity-based bottom-up approach. The thesis focuses on incorporating equities within the normative approach, which could coexist and distribute benefits adequately in social relations between the countries regardless of their technological capabilities. The approach advocated here does not require drastic changes in legislation but a clear change in focus on equity at various stages of the development of norms. Such a shift could allow the development of existing legal principles in hybrid forms that would permit inclusive and sustainable governance, consistent with evolving trends and opportunities in space activities.