

Space Law & Policy 2010

IISL-IAA SYMPOSIUM

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Space Law & Policy 2010 was the first of a series of annual symposia organized by the International Institute of Space Law (IISL) and the International Academy of Astronautics (IAA) starting this year on the occasion of the 50th anniversary of both organizations. In addition to 50 years of cooperation, the two organizations are celebrating 25 years of successful annual IAA-IISL Scientific-Legal Roundtables held at the International Astronautical Congress. Space Law & Policy 2010 was held on May 11 at the Carnegie Endowment for International Peace Building in Washington, D.C. and was organized this year in partnership with Arianespace Inc., Secure World Foundation and the European Space Policy Institute (ESPI).

This high level symposium, attended by more than 140 persons, examined the breadth and reach of space regulations on international and U.S. activities —civil, commercial and governmental. The event highlighted the relevance of current space law issues to policymakers. Space impacts the economy, national defense, international relations and the advancement of science — playing an ever-growing role in the day-to-day lives of citizens. Understanding how current regulations govern actors in space, at both the national and international levels, is therefore crucial.

The first panel addressed the commercial space legal perspective. General counsels from Hughes Network Systems, TerreStar Networks, Intelsat and EchoStar focused on the top three biggest legal challenges for the space industry. Education was an important theme, with the need to educate policymakers, regulators, and lawmakers on how space and satellites are different from terrestrial frameworks. Another significant cross-cutting theme was the impact of ITAR on the space industry in terms of U.S. competitiveness as well as international cooperation. Financing was also a key issue that was laid out, with discussion on the need to obtain financing arrangements, ranging from public-private partnerships to financing from Wall Street, and the need to be able to set up laws and regulations that allow that financing to be put in place.

* Corinne Jorgenson is Executive Secretary of the IISL (www.iislweb.org). The purposes and objectives of the Institute include carrying out tasks for fostering the development of space law and studies of legal and social science aspects of the exploration and use of outer space. It also include the holding of meetings, colloquia and competitions on juridical and social science aspects of space activities as well as the cooperation with appropriate international organizations and national institutions in the field of space law. The main publication of the Institute is its Proceedings that are published annually and include papers from all IISL symposia and colloquia.

Speakers from UNCOPUOS, ESA, ESPI and U.S. Department of State addressed the development of the international legal regime for space and evaluated whether it was sufficient. One of the key themes was internationalism; indeed this globalised element of space is a key element to policy. The legal framework is getting more and more complicated at international levels. The space arena is evolving rapidly as there is a growing number of States seeking to develop or extend their space capabilities. This has led to the recognition within UNCOPUOS of the need for the establishment of standards to guarantee the long-term sustainability of space activities and to strengthen international legal and policy frameworks for outer space.

Speakers from NASA, the U.S. Air Force, and the Federal Communication Commission focused on the successes and failures of space law in U.S. government daily life. There are many different tools such as contracts, grants, or cooperative agreements and speakers thought it would be useful if the legal community could explain the various tools and how to choose between them. In these discussions, it was noted that it is important to realize that law is a means to an end it is not an end in itself. Indeed we have national interests, personal interests that we are trying to accomplish in space and the law is also one of those tools that we are using to find solutions between competing interests. Not all interests are equal nor do they all have the same value and strengths: to develop a law is to choose among various interests and how we are going to resolve them. Also, with more actors in space, policy and stability are becoming increasingly important in terms of moving towards a predictable environment.

In her keynote remarks, NASA Deputy Administrator Lori Garver presented the transformative new space initiative that President Obama has given to the agency, and which the administration believes will enable NASA to explore new worlds, develop more innovative technologies, foster new industries, increase our understanding of the Earth, expand our presence in the Solar System and, at the same time, inspire the next generation of explorers. She highlighted the fact that the U.S. is not to explore alone; indeed, the U.S. Congress directed NASA to pursue cooperation with other nations and groups of nations, noting that in the past 50 years, the agency's international cooperation efforts have involved more than 3000 agreements with over 100 nations. She also noted that an increasing number of nations are now relying on space for day-to-day activities such as urban planning, resource management, disaster preparedness and response, communications, weather forecasting, and navigation.

This IISL-IAA event addressed in different ways the critical need to develop appropriate legal mechanisms to assure the sustainability of space applications. As space becomes increasingly ubiquitous, the need to refine the space regulatory environment is crucial. Understanding the system that is currently in place and how we may need to amend it in the future to suit changing U.S. and global needs is key.