



Privatisation of Space and Space Law

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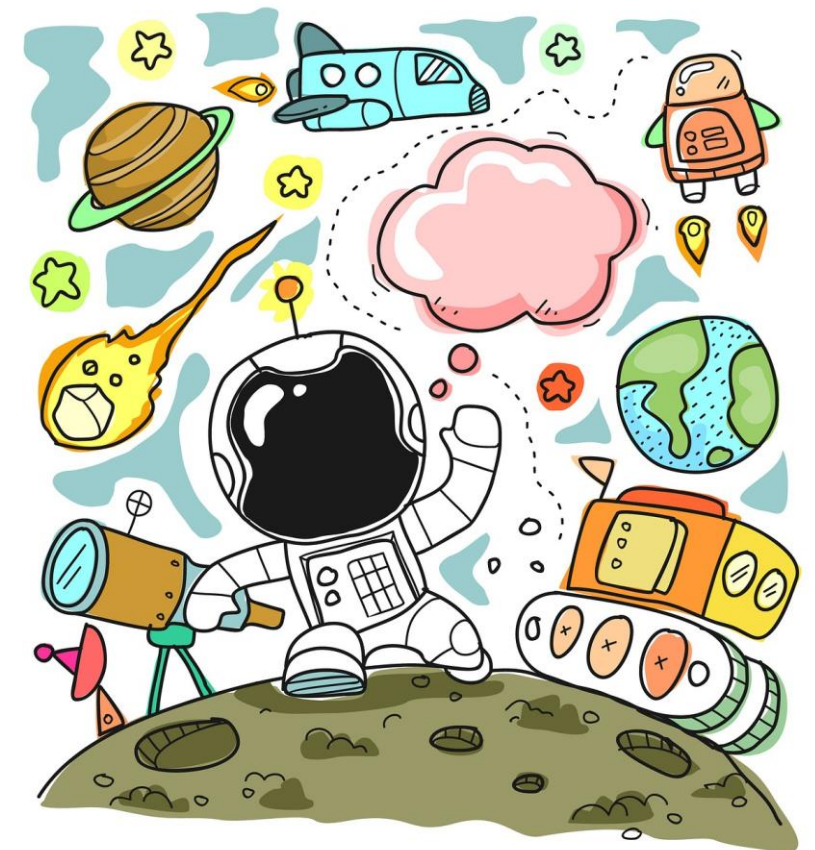
Chairman, International Relations Committee, ESA

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Why should we care about outer space?

- Private Activities in space
 - Liability
 - (Too big – discourages;
 - Not big enough – Can State cope?)
 - Traffic rules
 - (Mega-constellations)
 - Space “tourists”
 - (Envoys of mankind?)
- More countries active in space
- Space Debris
- Space Resource Use





Where is outer space?

- No definition in treaties
- Functional definition: space activities
- Danish Outer Space Act (2017): *For the purposes of this Act outer space means space above the altitude of 100 km above sea level*
- Is space becoming more similar to the sea?





Basic Principles of Space Law

- Outer space is the province of mankind
 - Common heritage of mankind
- Outer Space (and celestial bodies) cannot be appropriated
- - may be used by all countries





Space Law history

*Cujus est solem, ejus debet
ser usque ad coelum 1228*

Sputnik 4 October 1957 –
Basically no law

UN GA Res. 1148/XII 14 November 1957:
Disarmament, including space





Sources of Space Law

- The 1963 Space Declaration (UNGA Res. 1662/XVIII)
- The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 1967
- Agreement on the Rescue and Return of Astronauts and Return of Objects Launched into Outer Space 1968
- Convention on the International Liability for Damage caused by Space Objects 1972
- Convention on Registration of Objects Launched into Outer Space 1975/1978
- Agreement covering the Activities of States on the Moon and Other Celestial Bodies 1979/1984



Customary space law

- “Instant” customary law (1965)
- “Developments in a period of dynamic evolution” (North Sea Continental Shelf 1969)
- Inclusive or specialised law-making process?



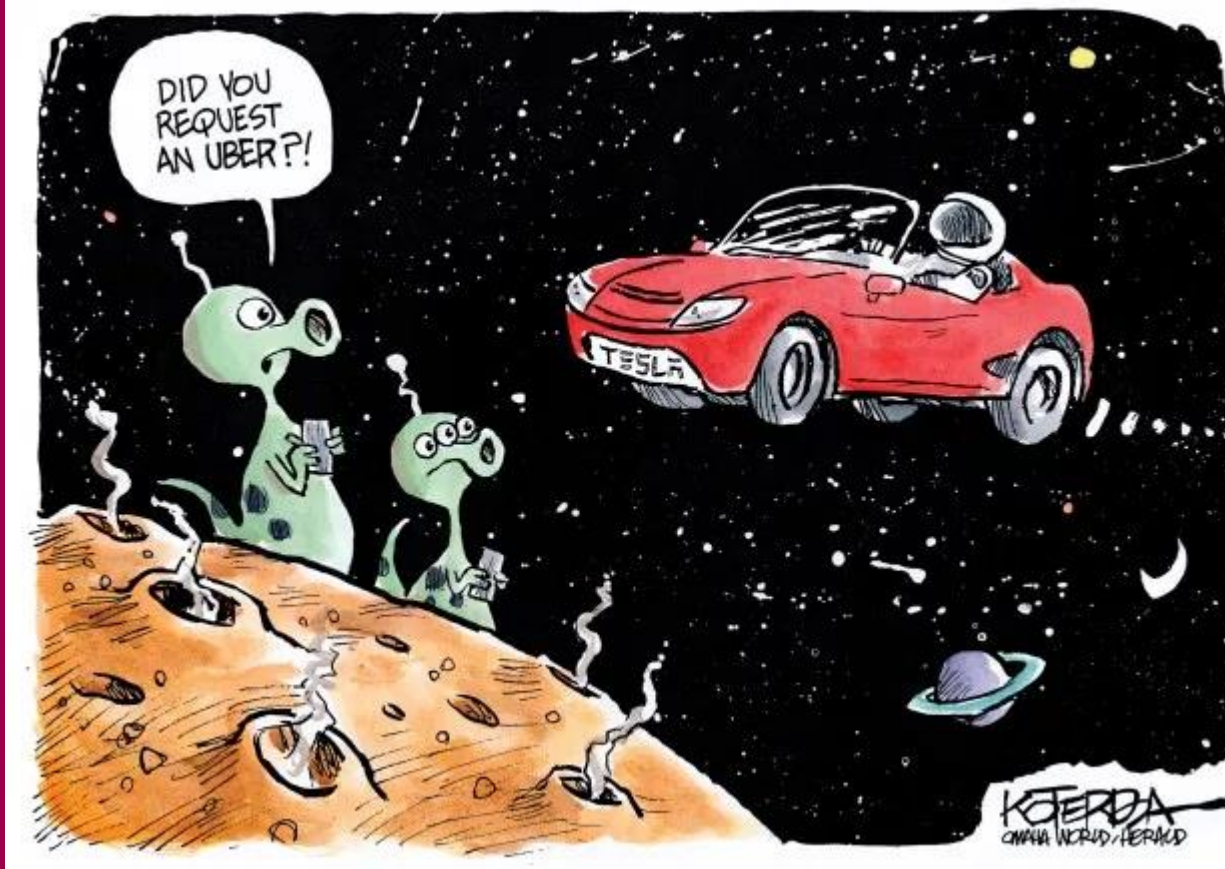


National Space Legislation

- Act on Launching Objects from Norwegian Territory into Outer Space 1969
- Sweden: Act on Space Activities 1982
- Denmark: Outer Space Act 2017
- Finland: Act on Space Activities 2018
- Luxembourg: Law on Space Resources 2017
- Belgium: Law on Activities of Launching, Flight Operations or Guidance of Space Objects 2014
- Austrian Federal Law on the Authorisation of Space Activities 2011
- UK: Outer Space Act 1986
- US: legislation since 1958; Commercial Space Launch Act 1984; Space Resources 2015
- Russia: Law on Space Activities 1993
- South Africa: Space Affairs Act 1993
- Korea: Space Development Promotion Act 2005; Space Liability Act
- Law of Kazakhstan on Space Activities 2012
- Australia: Space Activities Act 1998



Private activities in space



- Licensing
- Liability – limits, insurance
- Promotion – competition rules
- Use of space resources?

Is there benefit for all mankind?



Space resource use

- Space Resource Legislation
 - USA 2015
 - Luxemburg 2017
 - UAE (draft 2017)

