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International Space Law and Policy Update



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We are excited to share with you the inaugural edition of the International Space Law and Policy Update, Akin's quarterly newsletter focused on developments in international space law and policy.

This newsletter takes a longer and more in-depth view than Akin's biweekly [Space Law, Regulation and Policy Update](#). Together, they will provide context on the legal and policy developments shaping the next generation of space business and exploration.

We hope you find this update informative and will share it with colleagues you think may be interested in receiving it. We welcome any feedback on how our team can make our newsletters more useful to you and your teams.

What's New?

- The **United States and Australia** signed the Agreement on Technology Safeguards Associated with U.S. Participation in Space Launches from Australia.
- The **International Telecommunications Union (ITU) and the European Space Agency (ESA)** have Launched a Cooperative Effort to Address Space Sustainability.
- The **Organization for Economic Cooperation and Development (OECD)** Publishes G20 Background Paper on “Harnessing ‘New Space’ for Sustainable Growth of the Space Economy”.
- The **ESA** is “Aiming for the Moon” in New Plan After Recent Event.
- **UNOOSA** Publishes its Annual Report 2022.
- The **UN Secretary General** Publishes “Our Common Agenda” Policy Brief #7: “For All Humanity - The Future of Outer Space Governance”.
- The **International Organization for Standardization (ISO)** Publishes 12 Space Standards, Including Critical Revision of the Space Debris Mitigation Requirements.
- The **ITU** finalizes report on preparatory studies for the 2023 World Radiocommunication Conference (WRC-2023) in Dubai.

- **The United States Changes its Interpretation of Missile Technology Control Regime (MTCR) Policy for Export Controls on Foreign Space Launch Vehicles.**
- **The International Astronautical Foundation (IAF) Proposes New Framework for Peaceful and Sustainable Lunar Activities.**
- **The United Nation (UN) Office on Outer Space Affairs (UNOOSA) Releases New Report on “Space-Related Activities within the United Nations System 2023”.**

Opportunities for Engagement

- **The ESA will host its Annual Conference on Commercial Space Exploration in Noordwijk, The Netherlands from November 2-3.**
- **The Europe Space Tech Expo will be held in Bremen, Germany from November 14-16.**
- **The UK Space Trade Association will hold its 2023 UK Space Conference from November 21-23 in Belfast, Northern Ireland.**
- **UNOOSA will hold the World Space Forum 2023 jointly with Austria from December 12-14.**

Closer Look: The Artemis Accords

What's New?

U.S. and Australia sign Agreement on Technology Safeguards Associated with U.S. Participation in Space Launches from Australia

On October 26, 2023, the U.S. and Australia signed the U.S.-Australia Technology Safeguards Agreement, which provides the legal and technical framework for U.S. space launches from Australian spaceports, including provisions for the handling of technology under the MTCR. The agreement opens the door to new space-related commercial opportunities between the two nations. The U.S. already holds similar agreements with other nations, including the United Kingdom (U.K.) and New Zealand, in part to meet its international non-proliferation commitments.

ITU and ESA launch cooperative effort to address space sustainability

On September 11, 2023, speaking at Euroconsult’s World Satellite Business Week, ITU Secretary-General Doreen Bogdan-Martin announced that the ITU would increasingly focus its efforts on addressing the growing risk of collisions between satellites and space debris, including through a cooperative effort with the ESA. Speaking on the issue, the Secretary-General said, “As orbital traffic increases and intensifies, so does the urgency to maintain a safe and also a clean space environment that will protect the trillions of dollars’ worth of assets. We do need to prioritize sustainability of our shared space environment and resources, because what is at stake is

progress toward bridging the digital divide.” More details on the ITU-ESA efforts are likely to be revealed in the coming months in advance of the upcoming WRC-2023 in November.

OECD publishes G20 background paper on “Harnessing ‘New Space’ for Sustainable Growth of the Space Economy”

On July 6, 2023, the OECD published its latest [report](#) on the role and effect of commercial space actors on space technology and exploration in the ‘new space’ era, releasing the document concurrently with the G20 Space Leaders’ Meeting in India. The report “examines the emergence of the ‘new space’ ecosystem over the last 15 years, its impact on the space sector and society at large and the role of governments in ensuring sustained and sustainable growth of the sector.” In particular, it notes that ‘new space,’ which is “characterized by new commercial players bringing cutting-edge business techniques and funding methods to space activities, has brought disruptive innovation and democratized access to space,” but lists two major problems. First, increased use of Earth orbit leads to a more urgent debris problem; second, unlike states, commercial space actors are extremely vulnerable to market trends and economic shocks.

ESA’s new plan “aims for the moon.”

On June 2, 2023, the [ESA](#) held an event about the European role in space exploration in Vienna, during which the agency discussed concrete plans and commitments to catch up with other nations in the realm of human spaceflight. In particular, the conference centered around “the immense international, economic and societal importance of space exploration for Europe.” While Europe is a leader in a variety of space technologies, it does not have a robust human spaceflight program. ESA Director Josef Aschbacher warned that “Europe cannot afford to be left behind... Europe must act now to develop its own sovereign access to space, not only for increased autonomy but also to be a stronger partner for international cooperation.” The ESA plans to report on its specific strategy at a November space summit in Spain.

UNOOSA publishes its Annual Report 2022

On May 31, 2023, UNOOSA [released](#) its [Annual Report](#), which “describe[s] the Office’s work in promoting international cooperation for the peaceful use and exploration of space, and in the use of space science and technology for sustainable economic and social development.” This year’s report included such highlights as the [fifty-fifth anniversary](#) of the foundational Outer Space Treaty; a [conference](#) co-hosted by Chile on “Governance and legal perspectives on space activities in Earth orbit and beyond;” and UNOOSA’s new “Space Law for New Space Actors” [project](#). UNOOSA’s acting director wrote in the report’s forward that “[f]or space endeavours to thrive, we need a safe, stable, predictable and sustainable space environment... [which means that] multilateralism and international cooperation are the only means forward.” The theme of space sustainability is expected to remain a major one in UNOOSA’s ongoing governance efforts.

UN Secretary General publishes policy brief on the future of outer space governance

On May 31, 2023, the Secretary-General [published](#) a [policy brief](#) on outer space governance, the seventh installment in a series of UN briefs to provide background information to UN Member States before next year’s “Summit of the Future”. The document not only promotes existing UN initiatives in outer space governance but demonstrates the likely direction and motivation of future UN efforts at space regulation. In particular, the brief focuses on “effective governance... to propel innovation to achieve the Sustainable Development Goals,” as well as on the overall “sustainability, safety and security impacts of these changes [in outer space] on present and future governance.” The Secretary General suggests in the brief that “a combination of binding and non-binding norms is needed to address emerging risks to outer space,” writing that countries’ “common interest in preserving the domain of outer space, a province of humankind that benefits us all, requires agile and multi-stakeholder governance responses.”

ISO Publishes 12 new space standards

ISO published a variety of space standards in the first half of 2023, including a significant [update](#) of space debris mitigation requirements released in May 2023. The new standard, like the previous version, is centered around “reduc[ing] the growth of space debris by ensuring that spacecraft and launch vehicle orbital stages are designed, operated and disposed of in a manner that prevents them from generating debris... [and] to ensure that space objects re-entering the Earth’s atmosphere cause no harm.” The update now includes greater detail on calculating the probability of collision, depending on the size and orbit of a space object; extensive information on “the need for and potential benefit of reducing orbital lifetime significantly below 25 years in the [low-earth orbit] protected region”; and an exact threshold for the “expected number of casualties during the re-entry of a spacecraft or launch vehicle orbital stage.” Also notable are newly published standards for [modeling the Earth’s magnetospheric magnetic field](#), [project reviews most likely to ensure success of space projects](#), and [requirements for space experiments](#).

ITU finalizes report on preparatory studies for WRC-2023

On April 6, 2023, ITU member states [approved](#) a “major [report](#) on the technical, operational, and regulatory materials for the preparation of the World Radiocommunication Conference 2023 ([WRC-23](#))”, during which the ITU revises its [Radio Regulations](#), the international treaty on the radio-frequency spectrum, which includes satellite orbits. The report is a “major step in the preparations for WRC-23,” whose agenda will consider changes to the “international regulatory framework for geostationary orbit (GSO) and non-geostationary (NGSO) satellites while promoting equitable access for all countries”; improvement of broadband service in remote areas by relying on satellite services; and facilitating cooperation for space-based climate and weather monitoring. WRC-23 will also place a particular emphasis on the ITU’s work to “find new and innovative ways to provide broadband connectivity using terrestrial and space-based communication technologies.”

United States changes its interpretation of Missile Technology Control Regime (MTCR) policy for export controls on foreign space launch vehicles

On March 15, 2023, in [remarks](#) at the Satellite 2023 Government and Military Forum, Deputy Secretary of the U.S. Department of Commerce (Commerce) Don Graves announced that the U.S. would loosen its export controls on satellites as those controls relate to foreign space launch vehicles. [MTCR](#) obligates countries not to support or encourage certain foreign missile programs. However, as space launch vehicles often use the same technology as those particular missiles, the MTCR’s “restrictions [have been] applied to commercial satellites and satellite components planned for launch” via particular types of foreign launch vehicles. Dep. Sec. Graves explained that due to the “growing space cooperation environment”, the U.S. government had more carefully evaluated its interpretation of MTCR policy and determined that it had a broader scope than it had previously concluded. Under the changes, Commerce will now evaluate applications for licenses to “export satellites and satellite components to MTCR partners... on a case-by-case basis—not with a presumption of denial—even if the launch vehicle is one that the United States does not encourage.” The change is expected to allow for “potentially hundreds of millions of dollars in new exports of U.S. satellite and satellite components.”

IAF proposes new framework for peaceful and sustainable lunar activities

On February 9, 2023, the Global Expert Group on Sustainable Lunar Activities (GEGSLA), established by the IAF’s Moon Village Association, published its [report](#), “Recommended Framework and Key Elements for Peaceful and Sustainable Lunar Activities.” The report itself is the product of a two-year consultation with public and private lunar stakeholders, and it covers topics such as “Safe Operations and Lunar Environmental Protection”; “Lunar Governance”; and the “Lunar Economy.” The GEGSLA is now engaging in [discussions](#) with COPUOS and other relevant international bodies on the report, and it plans to present to space industry participants in September 2023.

UNOOSA releases report on space-related activities within the UN system

On January 4, 2023, UNOOSA released the [report](#), “Space-Related Activities within the United Nations System,” an annual report that UNOOSA prepares for the United Nations Inter-Agency Meeting on Outer Space Activities (UN-Space). The publication “highlights space-related activities within the United Nations” in order to “prevent duplication of efforts” on UN governance of the space sector. This year’s report discusses, among other topics, a ministerial conference on Space Applications for Sustainable Development held under the Economic and Social Commission for Asia and the Pacific, and two new resolutions adopted this year by the ITU on its role in implementing the UN’s “Space 2030” agenda.

Opportunities for Engagement



The ESA will host its [Annual Conference on Commercial Space Exploration](#) in Noordwijk, The Netherlands from November 2-3

From November 2-3, the ESA will host its Annual Conference on Commercial Space Exploration. The B2B conference will “unite visionaries, entrepreneurs, innovators, and investors at the forefront of commercial space exploration” to discuss commercial cargo delivery to LEO and the Moon, commercial stations, pharma and in-space manufacturing, commercial ground operations, investment opportunities and other topics. Registration is [open](#), as is the opportunity to [become an event partner](#).

The [Europe Space Tech Expo](#) will be held in Bremen, Germany from November 14-16

From November 14-16, the Europe Space Tech Expo will bring together over 550 exhibitors for “Europe’s largest B2B event for the space industry”. The Expo will allow hundreds of commercial and defense space industry participants to gather and present their products to experts, government officials, and other industry players. Registration is [open](#), and enquiries to present an exhibit can [be made](#).

The UK Space Trade Association will hold its 2023 [UK Space Conference](#) in Belfast, Northern Ireland from November 21-23

From November 21-23, the UK Space Trade Association will hold its 2023 [UK Space Conference](#) to “provide a platform for the space sector to exchange ideas, plans and partnerships that encourage development and success in the emerging space age”. The Conference will feature sessions on the technology and defense landscapes, the UK’s space strategy and investment challenges for the industry, as well as small business and regional zones, networking evenings and meeting hubs. Registration is [open](#), and participants may inquire about sponsor and exhibitor opportunities through [this address](#).

UNOOSA will hold the [World Space Forum 2023](#) jointly with Austria from December 12-14

From December 12-14, 2023, UNOOSA will jointly hold the World Space Forum 2023 with Austria in Vienna. The Forum will address a number of topics, including space communication, emergency platforms, the Global Digital Compact concept, space sustainability for future generations and space under the UN’s 2030 Agenda. Participation is open to private organizations, nonprofits, academics and other stakeholders. Registration is open now, with applications for funding due by September 4 and registration without requests for funding due December 1; the application/registration can be found [here](#). The Forum is also open to submission of abstracts through September 4.

UNOOSA is also seeking new [partners](#) for its ongoing [Access to Space for All Initiative](#), which [currently](#) involves partnerships with Airbus, Avio and Sierra Space, as well as a variety of national

Closer Look: The Artemis Accords

Closer Look takes a deep dive into a different topic in space law or policy in each issue that we think is worth tracking more detail.

What are the Artemis Accords?

The [Artemis Accords](#) are a series of bilateral [agreements](#) with the United States that have been signed by a number of countries around the world since October 2020. The goal of the Accords is to lay out a clear and mutually agreed-upon framework for [upcoming missions to the Moon](#), and to gather support for the U.S. interpretation of less-than-clear principles of existing international space law.

The Accords promote a series of “[Principles](#) for Cooperation in the Civil Exploration and Use of the Moon, Mars, Comets, and Asteroids for Peaceful Purposes”, by which the Artemis missions and related programs by other states will operate. The U.S. and other signatories of the Accords mutually pledge to be transparent in their space plans, to promote interoperability, to publicly release scientific data gained on Artemis-adjacent missions, to ensure those missions are for peaceful purposes, to mitigate the effects of orbital debris, and to abide by existing international treaties on registration of space objects and rescue of astronauts in distress. Notably, signatories also lend their support to the traditionally more controversial positions of the U.S. space program: that international law permits the private and/or national ownership or use of space resources, as well as the temporary private or national use of a particular area on a celestial body. The text of the foundational [Outer Space Treaty](#) prohibits countries from claiming or appropriating celestial bodies themselves, but it is not clear in its text whether or not this applies to the material that makes up the surface of a body, or to particular zones on a body’s surface. The Accords commit the U.S.—and any other signatory—to approval of the U.S. position that ownership of space resources or temporary exclusive use of particular regions on a celestial body do not constitute national appropriation.

Obligations are imposed only on countries with active space programs. For those that do not have one, their promises extend merely to issues of transparency and access to data.

Who are the Signatories?

27 countries have signed the Artemis Accords. The original 2020 signatories included Australia, Canada, Italy, Japan, Luxembourg, the UAE and the UK. Since then, Bahrain, Brazil, Columbia, the Czech Republic, Israel, Mexico, New Zealand, Nigeria, Poland, South Korea, Romania, Rwanda, Saudi Arabia, Singapore and Ukraine have joined.

Most recently, [Germany](#), [Argentina](#), [Ecuador](#), [India](#) and [Spain](#) have each signed the Accords.

What Do the Artemis Accords Mean for Space Policy?

It is unclear under existing international space law whether exclusive use or ownership of space resources is legal. The principles in the Artemis Accords stake out the U.S. position permitting use and ownership, and explicitly invite other countries to join this interpretation. The growing accession to the Accords is a positive sign for future commercial space ventures wishing to engage in commercial activities involving the materials of celestial bodies.

However, the Artemis Accords are not international treaties and are thus not legally binding. Signature of the Accords does not impose a legal obligation to observe its principles. However,

the Accords nevertheless carry a soft power with three primary implications:

1. In the short-term, a country that signs the Accords makes a political commitment, which suggests a political alignment with the U.S. on international space policy and an affirmation of the U.S. approach permitting private companies to extract resources from celestial bodies.
2. Signing the Accords also demonstrates a potential medium-term interest in pursuing an expansion of a country's space program under the same approach as the U.S. Countries that sign the Accords may be more likely to support public-private partnerships, share their data and scientific findings, and promote the application of the rules-based international order in near-Earth space in the course of their own programs.
3. In the long-term, growing support for the U.S. interpretation of international space law could give rise to that approach's status as customary international law, which is legally binding on states. If state practice tends enough towards the interpretative position the U.S. has staked out with the Accords, it will likely influence the long-term direction of the laws applying to outer space activities.

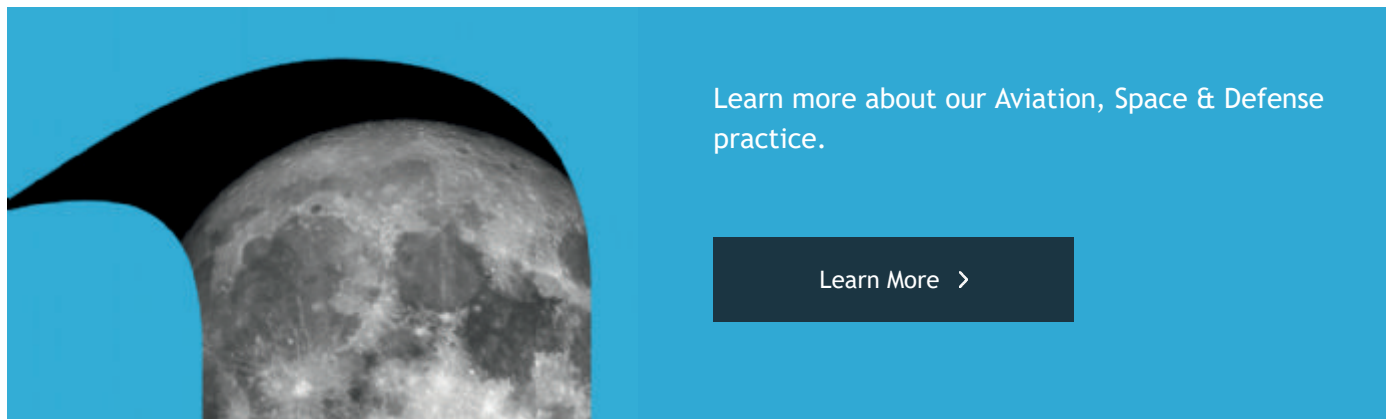
What's the Latest?

[NASA Names Astronauts to Next Moon Mission, First Crew Under Artemis](#), NASA Artemis Blog (April 3, 2023).

[India Signing the Artemis Accords is a Historic Win for Space Exploration](#), The Hill (July 2, 2023).

[U.S. State Department: Space Unites Us](#), Dipnote (Blog of the U.S. Department of State) (May 5, 2023).

[United States Releases First-Ever Strategic Framework for Space Diplomacy](#), State Department Press Statement (May 30, 2023).

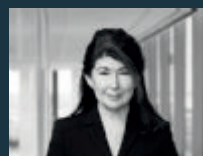


Questions?

If you have any questions, please contact:



Thomas McCarthy
[Email](#)
Washington, D.C.
+1 202.887.4047



Jennifer L. Richter
[Email](#)
Washington, D.C.
+1 202.887.4524

Michael Mineiro
[Email](#)

Brooke Davies
[Email](#)



Washington, D.C.
+ 1 202.887.4068

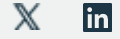


Geneva
+41 22.888.2041



Chase Hamilton
Email
Washington, D.C.
+1 202.887.4018

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