Regulating Small Satellites: Legal Imperatives and Policy Choices

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Small Satellites – Opportunities
A (New) World of Space Activity

- Access to new applications – flexibility
- Unknown possibilities – a wealth of new ideas
- Allows entry by new space ‘actors’
- Facilitates capacity building
- Evolution of development and utilisation
  - Universities, NGOs, non-profit organisations but now also …
  - Government organisations / space agencies
- Driver of scientific and technical development but also …
- Expanding scope of existing capability – at lower cost

- Altering the landscape of Australia’s space industry?

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Existing International Legal Framework / Regulatory Requirements include …

- **Article VI Outer Space Treaty**
  - authorization – including extraterritorial activities
  - continuing supervision
- **Liability Convention**
  - ‘space object’
  - ‘launching State’
    - national law – indemnities?
      - insurance requirements / direct financial responsibility
      - exemption?
- **Registration Convention**
  - national register
  - information to United Nations Register
Existing Legal Framework / Regulatory Requirements include …

• ITU Requirements
  – liaison with national administrator
  – use of radio frequency coordination

• IADC / UNCOPUOS Debris Mitigation Guidelines
  – non-binding … but evidence of ‘fault’?

• Specific national law requirements / national security etc
Current Regulation?

- Predicted exponential growth in small satellite programs
  - worldwide (and Australia?)

- Currently on agenda of COPUOS LSC
  - ‘General exchange of views on the application of international law to small satellites’

- No existing dedicated rules / specific international law but …
  - compliance with existing regulatory requirements?
    - hard law
    - ‘soft’ law
    => not designed with small satellites in mind

- Australia – Space Activities Act 1998
  - no specific legal framework / procedures in place

- Current review / reform of Space Activities Act 1998 / Proposal for new legislation (focussing on launches and returns)


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Policy Choices for National Regulator

• Need for Australian law to (specifically) address small satellites?

• Balance between
  – => stricter regulation
    • financial / technical etc
    • minimising risks / potential liability
    • encouraging best practice
    • adherence to internationally recognised standards

• and …
  – => enabling rules / liability limitations / exemptions etc
    • promote research / development
    • encourage greater access to space
    • increased commercial opportunities and contribution to viable domestic space industry

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