

Promoting Space Sustainability

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Implementation of the Guidelines for the Long-term Sustainability (LTS) of Outer Space Activities of the Committee on the Peaceful Uses of Outer Space

I. Outer space activity for a law firm

One may think that outer space activities are reserved to a very limited number, such as governments, space launchers, satellite manufacturers, astronauts, commercial space flight visionaries. It seems like you need to have an enormous budget or be part of government to deal with outer space, but reality is far from that. With the rapid growth of technology, outer space is also accessible to small companies, entrepreneurs and many more groups that some years ago probably were not even thinking it was possible.

As more individuals and companies have access to outer space, there is one group that cannot be left behind: lawyers. Fortunately or unfortunately (depending on each one's point of view and love for the legal profession), lawyers are everywhere humankind is, and outer space is no exception. The legal sector has been active in space law almost from its beginnings. Lawyers have helped create the United Nations framework for space activities, the International Telecommunications Union (ITU) regulation that applies to the use of radio frequency spectrum and orbital positions and the Guidelines for the Long-term Sustainability of Outer Space Activities of the Committee on the Peaceful Uses of Outer Space (LTS Guidelines).

How does a law firm participate in outer space activities and helps with the promotion and implementation of the LTS Guidelines? To respond this question, we will use an example of the Mexican law firm Bello, Gallardo, Bonequi y García (BGBG). BGBG is a law firm established in 2001 and with currently more than 80 members. One of its areas of practice is Telecommunications, Media and Technology (TMT), which includes space law. BGBG has been active on satellite communications matters, as it advises several satellite operators and satellite service providers.

With more and more companies getting involved in outer space activities, opportunities for law firms also grow. Companies that have access to outer space need someone to guide them through the legal and regulatory path, as BGBG has done with several clients. BGBG has provided support related to the satellite sector and for such, it takes into consideration two types of regulation:

- the UN outer space framework¹, and
- the ITU regulation for the use of the radio frequency spectrum and orbital resources.²

Radio frequency spectrum and satellite orbits are limited resources and every country has the right to have access to them. For such reason, there is national and international regulation that has to be observed by government and companies.

Policy and regulatory frameworks are a fundamental issue of long-term sustainability of outer space activities and the LTS Guidelines recommend to “ensure the equitable, rational and efficient use of the radio frequency spectrum and the various orbital regions used by satellites.” Satellite operators need to follow international regulation in order to put their satellite in orbit and make the best use of it. They need to share outer space based on basic principles that are included in national and international regulation. Law firms have the knowledge of such regulations and work with clients to ensure compliance.

BGBG has helped companies to comply with the requirements established in the ITU Radio Regulations, which guarantee the equitable, rational and efficient use of the radio frequency spectrum. Any satellite that is going to be launched needs radio frequencies to communicate to Earth and those frequencies should not interfere with the ones from other satellites. BGBG and other law firms help during the process and following the rules supports and endorses the LTS Guidelines principles.

¹ According to UNOOSA, the five Space Law Treaties “deal with issues such as non-appropriation of outer space by any country, arms control, the freedom of exploration, liability for damage caused by space objects, the safety and rescue of spacecraft and astronauts, the prevention of harmful interference with space activities and the environment, the notification and registration of space activities, scientific investigation and the exploitation of natural resources in outer space and the settlement of disputes” (Please see - [Space Law Treaties and Principles \(unoosa.org\)](https://www.unoosa.org/)).

² Please see - [About ITU](#).

BGBG and other law firms also contribute with guideline C of the LTS Guidelines, “International cooperation, capacity-building and awareness”. With respect to international cooperation, the ITU Radio Regulations is an international treaty that is modified every 3 to 4 years in a World Radiocommunication Conference (WRC) with the participation of governments, academy and private sector. Every WRC is a prime example of international cooperation and many law firms are present, supporting the thousands of participants from private sector, academy, governments and international organizations, in order to have the Radio Regulations modified and up to speed with technology as much as possible.

BGBG and other law firms also contribute to capacity-building by providing courses either in universities or at the ITU directly. BGBG has been teaching in the ITU Academy the course “Legal grounds and regulatory framework for spectrum management”. The ITU Academy is the main online gateway to ITU’s capacity development activities and BGBG is proudly contributing with the long-term sustainability by sharing our experience, as well as promoting and supporting capacity-building. Private sector needs to understand they need to observe outer space regulation and law firms are the perfect instrument to help them. All these activities raise awareness of space activities, another principle of the LTS Guidelines. The more awareness there is, the better outer space will be exploited.

Outer space activities are for all of us and there is no need to be a multi-billion company to participate in them. However, there is a need to understand and follow the rules that allow a proper exploitation of outer space and that is exactly the kind of support a law firm can provide. BGBG has been lucky enough to support the space industry and has been able to contribute its part to the long-term sustainability of outer space.

Let’s all do our best so the magnificent outer space is used in a way that will bring benefits to many future generations.

II. Connection with the LTS Guidelines

As mentioned, LTS Guidelines have a couple of sections that are directly related to a law firm activities with respect to long-term sustainability of outer space activities: section “A. Policy and regulatory framework for space activities” and section “C. International cooperation, capacity-building and awareness.”

With respect to regulation, a law firm contributes by helping those involved in outer space activities (in this specific case, satellite operators) to follow and observe at all times the applicable regulation. Such regulation is related to the ITU and in some cases it is national regulation. In addition, law firms participate in the changes of such regulation by supporting companies during ITU World Radiocommunication Conferences and the works required to make regulations be up to speed with technology. Law firms also have the compromise to improve national regulation, by participating in open consultations, whenever government provides the opportunity to introduce or modify outer space regulation.

In addition, law firms contribute to international cooperation by participating in all the process to change international treaties, such as the ITU Radio Regulations. For such purposes, law firms also contribute with capacity-building as they continue to train their people to be better and to have a deeper understanding in outer space regulation.

All of the above contribute to increase awareness of outer space activities, but there is a need to emphasize the importance of the long-term sustainability that we are dealing with today. All of these wonderful activities and exciting matters can be lost if we do not make a proper use of outer space and it is something that needs to be present at all times. We need to take care of what we have so it can last longer and be used in benefit of all.

III. Lessons learned

Law firms can contribute to the long-term sustainability of outer space activities. There is much work to do and it is important to understand that the outer space activities United Nations framework and the ITU Radio Regulations are fundamental for a proper use and exploitation of outer space. Not everyone is aware of these regulations and principles and national regulatory frameworks still need to incorporate or update their content in relation to outer space activities.

From BGBG's experience, we have noticed that most legislations, when dealing with space matters, only regulate frequency matters and satellite services, but do not incorporate other UN outer space framework. Implementing outer space principles in local legislations is a first step that can be taken and that is one of the LTS Guidelines recommendations.

Law firms and companies that work in outer space matters should have the commitment and responsibility to help implement the LTS Guidelines. It is not that difficult. Some examples on how to do it are:

- Participate in publishing comments whenever there is a public consultation for a new regulation related to space matters;
- Participate in courses, either by teaching them or taking them;
- Publish articles on outer space activities;
- When advising a client, openly discuss the LTS Guidelines with them.

Lawyers are a tool to achieve implementation of the LTS Guidelines.

There is much work to do at a national and international level. Technology is getting us much closer to outer space, private sector is more involved in outer space, great opportunities will arise from this.

Get your legal team involved and let's make sure we exploit outer space with the respect and seriousness it deserves, so it can be properly exploited and serve humankind for many generations to come.