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Editorial

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Editorial

Dr. Eligar Sadeh

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There is a strong case to be made that space is in the national security interest, but a much weaker case is to be made that space is in the national economic interest. In the United States (U.S.), national security tends to trump commercial space concerns leading to policies and laws, like in the area of export control, that undermine space commercial development.

This special issue of *Space and Defense* is focused on the current approach to export control of commercial space technologies, namely the International Traffic in Arms Regulations (ITAR). Simply put, ITAR is obtrusive, broken, and obsolete. ITAR has prevented international partnerships in commercial space, or made them exceedingly more difficult and bureaucratic to implement. It has dramatically reduced U.S. domestic manufacturing capabilities for vital space-related hardware and components.

The great irony is that ITAR, in stark contrast to its intended goal of retaining domestic preeminence for the U.S. in the aerospace and defense fields, is having exactly the opposite effect. America's leadership in commercial space capabilities has eroded, while Russian, European, and Asian entities have expanded and deepened their growing dominance. The U.S. has fallen behind in the global space commerce competition due in no small part to its counterproductive export control regime.

ITAR is not only harmful to commercial space, but it also damages national security by placing legal and bureaucratic restrictions on the U.S. military use of commercial space assets that rely on a robust satellite industry and space industrial base. ITAR has led to the problem that “we are denying our allies access to space protection capabilities” significantly impacting how the U.S. deals with national security space issues.

There is a need to address this export control issue at the level of policy by reforming the “rule set” for how ITAR is applied. The current Presidential Directive on export control reform is a start. The Directive calls for reducing the export licensing time to no more than sixty days, and for streamlining the process on how a technology is looked at in regard to the ITAR Munitions Control List (MCL). More congressional funding is needed to push through the ITAR reforms suggested by the Presidential Directive on ITAR. The new Directive is a good step to help fix the competitiveness and licensing problems associated with ITAR.

Further ITAR reforms are needed. This encompasses a reassessment of what technologies need to be controlled, and dealing with issues of timing, review processes, transparency, and cost. Congress needs to take on the issue by updating export control laws to better match 21st Century global space commerce. This starts with reforming the current approach to ITAR by moving jurisdiction on all dual-use commercial space technologies from the Department of State to the Department of Commerce, to legislating new export control laws that update and replace the antiquated “Cold War” legislation that is still in place, e.g., Arms Export Control Act and Export Administration Act.

The articles and documents published in this special issue of *Space and Defense* address many of the issues highlighted above. This includes the historical development of the U.S. export control regime within the context to address Cold War foreign policy concerns, how ITAR is implemented today, and finally, what are the problems with ITAR implementation and how can those problems be addressed through policy and law.