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THE CURRENT STATE OF INTERNATIONAL GOVERNMENTAL AND COMMERCIAL BEST PRACTICES AND NORMS OF BEHAVIOUR IN SPACE

Abstract

In recent years, the number of satellites in Earth orbit has increased exponentially. This growth is driven by an increasing number and diversity of actors, many of whom are new entrants to the space arena. We are also witnessing the development of new kinds of space activities, often involving spacecraft maneuvering in close proximity to each other in orbit. Many of these developments are being driven by commercial space actors. In addition, as more countries become reliant on space systems for their national security, there is a worrying proliferation of counterspace capabilities that enhances the risks of conflict in space. These developments have raised concerns about the safety, sustainability, and security of outer space activities. Calls for "norms of responsible behavior in space" have intensified greatly during the past few years, with some suggesting that no such norms currently exist. Actually, a few such norms do exist. One example is the so-called "25-year rule", which seeks to restrict the post-operational orbital life of objects in space to no more than 25 years. International norms are not necessarily codified into legally binding treaties, so they do not have the weight of international law, but different States may choose to codify a norm into their national legislation. Whether or not codified in regulation, norms are also used as behavioral guide rails by industry, national space agencies and international intergovernmental organizations involved in space activities. Compliance with norms can be measured in a quantifiable manner. For example, the European Space Agency, in its annual Space Environment Report, presents statistics on compliance with the 25-year rule by payloads and rocket bodies, and even goes so far as to analyze the success of efforts at compliance by other actors. This paper will examine what is meant by a norm of responsible behavior in space, what norms currently exist to assure a safe, secure and sustainable environment for space activities, what additional norms should exist, and how to socialize the adoption and implementation of such norms. This paper will also examine some of the factors influencing norm emergence and evolution in the current geopolitical context of space activities.