

**2nd Manfred Lachs
International Conference on
Global Space Governance
2014**

**Concurrent Session 4B: Balancing Commercial
Considerations Against Global Space Governance**



**Shifting Focus From State
Responsibility to Corporate
Responsibility: Finding An Ethical
Approach to Inclusive Outer Space
Governance**

OUTLINE

- ▶ PART 1: State Responsibility
- ▶ Introduction
 - The Mess
 - The Message
 - The Actors: States and Non-State
- ▶ State Responsibility or Corporate Irresponsibility
 - Art VI OST
 - Fragmentation and non-uniformity in national space laws
- ▶ PART II: Corporate Responsibility
- ▶ An Ethical Approach
- ▶ Definition
 - Is CSR Law
- ▶ Making the connections between CSR and Space Governance
 - CSR in the “commons”
- ▶ How can CSR be used in space governance

The Mess: Space Debris

Definition:

Ordinary meaning:

debris, junk, garbage...

Contextual meaning:

space objects

functionality

The Message: To Reduce the creation of space debris

- ▶ Is space debris intrinsically wrong?
 - Legally
 - Article IX OST
 - Economically
 - Kessler Syndrome
 - Business case for and against space debris
 - Environmentally
 - Linkages between earth and outer space

The mess-engineers: Whose Mess is it anyway

▶ States:

- US, China and Russia
- In LEO the number of debris measuring between 1 and 10 cm is around 400,000 and 14,000 for debris larger than 10 cm in size

▶ Non-State: Corporate actors

- Satellite Operators, Satellite Manufacturers, Launch Services Providers, TTC&M Services Providers as well as Space Insurers.
- Out of about 4000 satellites in GEO, about 1,307 satellites are operational as at 2012. An increase of 16% from the 2007 figure of 934 active satellites.

State Responsibility or Corporate Irresponsibility

Space Treaties Provisions


- Article VI OST – Appropriate State Phenomenon
- Article VII OST – Launching State Phenomenon
- Article VIII OST – Jurisdiction and Control issues
- Article I LC– Definition of Launching State
- Articles II LC – Absolute Liability
- Article III LC– Fault Liability

National Space Legislations

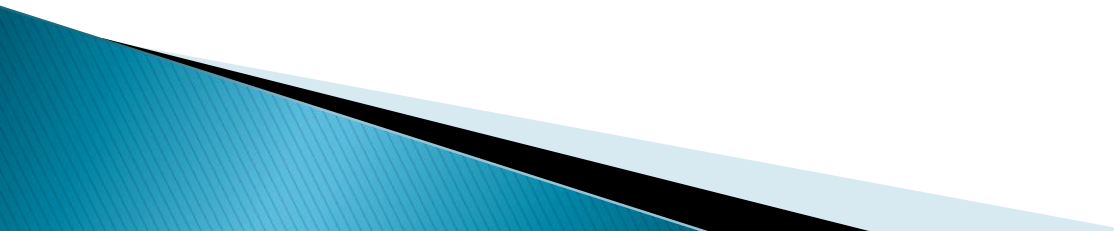
Fragmented

Inadequate

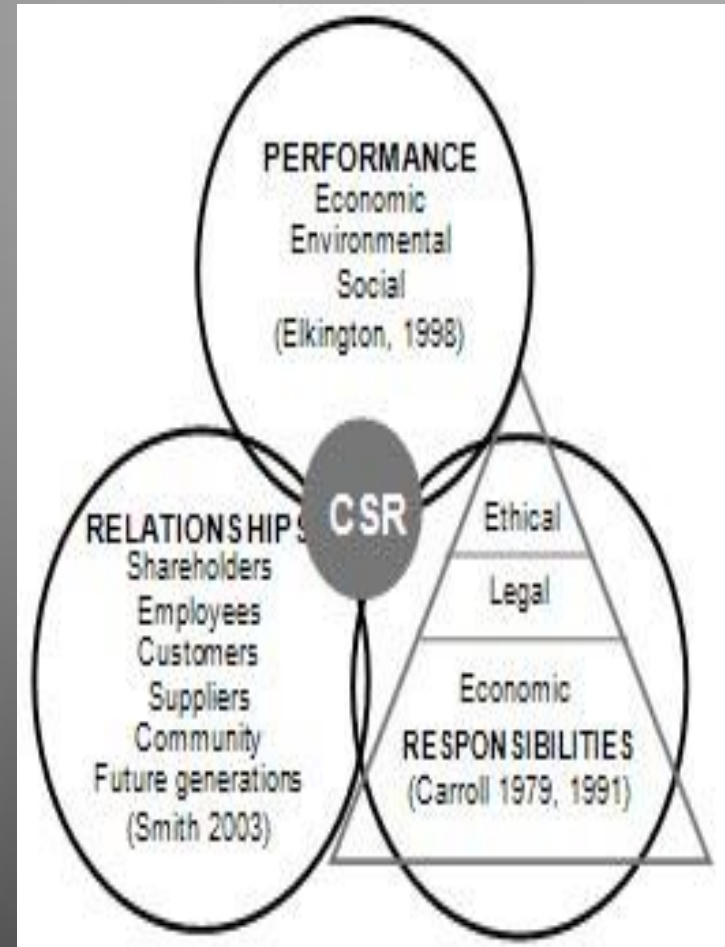
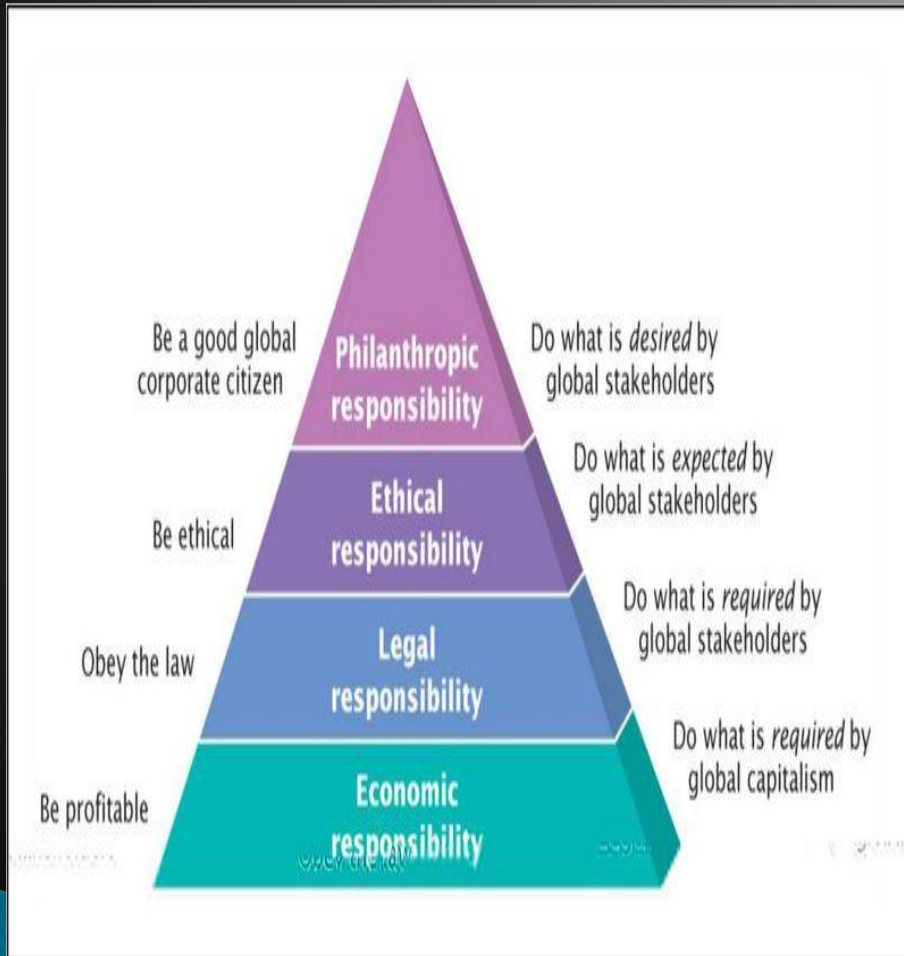
Blind spot: Blurred lines between State and Corporate space activities



Corporate Responsibility

- ▶ Definitions
 - ▶ Interpretation
 - A “commons” understanding in outer space governance
 - From Shareholder to a Stakeholder view: All Mankind Concept
- 

Business and Ethics



CSR Contents for private space actors

- Triple Bottom Line:
 - People: Human Rights
 - Planet: Environmental protection
 - Profit: Innovation
- How: CSR Reporting
 - GRI
 - SRI
- ▶ **Shell:** We use our Sustainability Report, and this website to provide a general overview of our environmental and social performance for key stakeholders. These include local communities, non-governmental organisations, shareholders, investors, customers, partners, governments, employees, media, academics, contractors and suppliers. For investors we report on our approach to managing environmental and social risks and opportunities.
- Role for States
- Role for Space Trade Associations and organizations:
 - SDA
 - Secure World Foundation: Interdisciplinary study on the space industry
- Role for the media

CONCLUSION

- ▶ There is space for everyone in global space governance.