
THE TIME TO ORGANISE SPACE IS NOW!

by
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Mr. Frank Rose, Deputy Assistant Secretary for Space and Defence Policy in the United States Department of State, recently wrote an interesting article in *Space News* titled "Addressing the Challenges of Space Security".¹ He talks about the US National Space Policy "pursuing a comprehensive approach to the challenges in [the] space environment," and the progress being made in discussions on the International Code of Conduct for Outer Space Activities.² Mr. Rose is a security expert, therefore his focus on space security is understandable. What is not understandable is why the international community, and first of all the US, wishes to address space traffic management and the preservation of the space environment through a diplomatic initiative that is mainly meant to put to rest a long-standing request from Russia and China to negotiate a treaty forbidding weapons in space.

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¹ Frank A Rose, "Addressing the Challenges of Space Security", *Space News*, 8 April 2013, online: *Space News* <<http://www.spacenews.com/article/opinion/34757addressing-the-challenges-of-space-security>>.

² European External Action Service, *DRAFT International Code of Conduct for Outer Space Activities*, online: EEAS <http://eeas.europa.eu/non-proliferation-and-disarmament/pdf/space_code_conduct_draft_vers_16_sept_2013_en.pdf>.

For almost three decades a debate has been raging between the US, on one side, and Russia and China, on the other side, regarding the banning of space weapons, the initial concern being an altered nuclear balance of forces among superpowers. The debate is better known as PAROS (Prevention of Arms Race in Outer Space), from the relevant draft treaty proposed jointly by Russia and China.

In 1972, the Anti-Ballistic Missile (ABM) Treaty³ between the United States and the Soviet Union outlawed development and testing of any missile defence system that was mobile, sea-based, or space-based. The debate was ignited later by US President R. Reagan's decision to launch the Missile Defense Program (a.k.a. "Star Wars") in 1985. It encountered major technological difficulties and was later restarted in a diminutive form (a.k.a. "Son of Star Wars") by US President G. W. Bush after the terrorist attacks of 11 September 2001. In the meantime, the US became increasingly concerned about the vulnerability of their vast on-orbit military and commercial assets to attack, for example, from small satellites below the detection threshold of US space tracking capabilities.

The compromise proposed by the International Code of Conduct for Outer Space Activities is based on the following principles:

³ *Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems*, 26 May 1972, 23 UST 3435; TIAS 7503; 944 UNTS 13 (entered into force on 3 October 1972; ceased to operate on 13 June 2002).

- a) ensuring “freedom of access,” which is in any case a principle already covered by the existing international Outer Space Treaty of 1967;
- b) stating the “inherent right to self-defence,” which is a well-established right under international law, but it is meant to justify continuation of research activities in the field of space asset vulnerability/protection;
- c) establishing the principle of international governance to prevent all kind of interferences; and
- d) establishing that each State will do their best to prevent outer space from becoming an area of conflict (i.e. no deployment of ground-to-space, space-to-space, and space-to-ground weapons).

With reference to space debris, the International Code of Conduct for Outer Space Activities just reiterates each nation’s commitment to observe the UN Code of Conduct for the Mitigation of Space Debris,⁴ which is already failing on its own because of limited enforcement— operators from 70 countries operate satellites but fewer than ten of them have space agencies able to monitor their space activities.

A vague commitment to international governance of space (by sharing of as yet to be determined operational data, through a yet to be determined organisational set-up)

⁴ UNCOPUOS, *Space Debris Mitigation Guidelines*, online: UNOOSA <http://www.unoosa.org/pdf/bst/COPUOS_SPACE_DEBRIS_MITIGATION_GUIDELINES.pdf>.

is all this CoC will provide to the commercial and civil space community. Very little!

The time to organise space is now, and it can be done quickly if the leading spacefaring countries finally gather the political will to do so. There is a valid model of international cooperation, the International Civil Aviation Organization (ICAO), that safeguards national sovereignty while effectively achieving the results that we all witness daily in managing air traffic. The ICAO Convention was drafted and agreed to within a matter of months towards the end of WWII, in Chicago, when the military potential of aviation was fully demonstrated and the civil aviation we know today was only a visionary's dream. The ICAO Convention made aviation into the success story we all know.

Dear Mr. Rose,

Let us address space safety and sustainability concerns separately from security issues. There are different levels of cooperation that can be achieved in these fields, and they are orders of magnitude apart.

Let us establish a global civil space traffic and environment management framework, while developing a minimum set of civil and military traffic interoperability rules. It was done for air traffic, it can be done for space traffic.

Let us give civil/commercial space traffic a chance to get organised quickly. We cannot wait another 30 years to get an ICAO for space!