28th SYMPOSIUM ON SPACE POLICY, REGULATIONS AND ECONOMICS (E3)
Interactive Presentations (IP)

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CORPORATE SOCIAL RESPONSIBILITY IN SPACE

Abstract

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There already exists law which governs space, corporate social responsibility (CSR) guidelines for companies operating on Earth and a growing movement pushing for legal clarity about, among other, property rights in space. No previous effort has been undertaken to gather these in one place, analyze them and consequently produce CSR guidelines based on them, for space.

The world's limited resources and the prospects of a new economic profiteering adventure in space have resulted in growing interest for harvesting resources from the moon, Mars or Near Earth Asteroids (NEA). The first space race was between governments, the ongoing second space race is one in which private actors compete in the realms of tourism, transport, exploration and extraction of resources.

International law governs outer space among other, through the Outer Space Treaty (OST). Yet, private space industry is not specifically mentioned in it. This would appear to leave governments to bear responsibility for the conduct of their private companies in space. The same principles would seem to apply as we see on earth in relation to extraterritorial regulation of transnational corporations (TNCs) - which is very limited with regard to controlling adverse environmental, and human rights impacts.

As a reaction to a missing legal framework concerning terrestrial impacts, CSR has evolved to fill gaps with the formulation of principles and guidance, to some extent based on soft law instruments. This shared aspect of legal uncertainty makes CSR a natural platform from which to launch responsible corporate behavior guidelines for space. CSR guidelines for space ought to help space activities to be a controlled and well-organized enterprise, without putting an end to the commercial exploitation of space resources.

This article argues that CSR should apply in space. It proceeds by exploring relevant aspects of international law, especially space law and existing CSR standards and guidelines. Health and safety becomes more important in space, while other issues, like human rights and environmental impacts from resettlement, often seen in the terrestrial extractive industry, are likely to be redundant. Other issues over ownership and resource distribution can be envisaged, which may trigger new moral and legal dilemmas, are also addressed in the CSR guidelines. The article proposes a new set of non-judicial CSR guidelines adapted to the unique outer space environment and sensitive to its possible environment and human rights impacts both on earth and in space.