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REGULATION OF SMALL SATELLITES IN DEVELOPING COUNTRIES TO PROMOTE SPACE
SUSTAINABILITY

Abstract

The particular characteristics of small satellites present a number of unique legal and regulatory challenges for the international community, notably in their potentially deleterious impact on the sustainability of the outer space environment. For example, the rapid increase in the number of small satellites being launched into orbit could result in a greater incidence of collisions with other satellites; similarly, the operation of small satellites might also potentially cause harmful interference, again increasing the risk of collisions between satellites. Such collisions, in turn, could result in the creation of additional space debris, a profoundly serious problem that currently threatens the utilisation of space for human benefit. Despite the seriousness of this issue, however, the existing international legal regime may be inadequate in resolving matters posed by the construction and deployment of small satellites, and consequently, new laws and regulations governing small satellites may need to be adopted by the international community. By way of example, because small satellites often are inexpensive to design and construct and can be manufactured much more quickly than larger satellites, they provide the opportunity for new actors to engage in space-related activities. Such entities, however, often lack the requisite knowledge and expertise regarding the laws and regulations pertaining to the launching and operation of satellites. This is especially true of actors located in developing countries, which often have no national regulatory regime in place regarding the construction, operation, registration, and licensing of small satellites, thus enabling any private actor to construct and launch a small satellite with little or no legal oversight. Indeed, the legal issues regarding small satellites have become sufficiently problematic that the Legal Subcommittee of UNCOPUOS recently included the regulation and oversight of small satellites as a new agenda item for their deliberations. The purpose of this paper is to discuss the possible promulgation of new regulations regarding the construction and deployment of small satellites that would assist in promoting uniformity among all space actors, and provide concrete guidelines upon which nation states, particularly developing countries, could design their national space programs as they pertain to small satellites. It is hoped that the promulgation of such laws could assist actors in how to comply with their international obligations regarding the use of small satellites, in turn resulting in a safer and more sustainable space environment in which all satellites, small and large, can operate for the benefit of humankind.