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20th Anniversary of the Disaster Charter: History, Status and Future of this Powerful and Productive
International Cooperation (6)

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COMMERCIAL SPACE AND THE DISASTER CHARTER: A CLASH OF VALUES

Abstract

The contemporary position of outer space activities can loosely be elucidated as a period where the locus of innovation has tilted toward private enterprise. In privatisation, whereas previously maintenance of, for example, telecommunications, was a governmental responsibility, to be carried out as a monopolistic public service function, the 'public service' is reclassified as 'services to the public' to be provided by undertakings whose ultimate interest is to run these services so as to derive profit. As the primary goal of private enterprise is to maximize profits, they could be expected to concentrate only on high profit-generating countries and to ignore unprofitable areas. The private company, by its own nature and its internal dynamics turned to constant and ever-growing income generation, has enormous difficulties attending to non-profitable public interests. It is clear that so long as this model of corporate governance is present, benefits from space will not accrue evenly among humanity (or even the state community) in accordance with some common regime. Instead, the space sector will largely follow the far less noble principles of the modern industrial economy.

The International Charter on Space and Major Disasters exists in many ways as an exception to the commercial imperative of space companies. The Disaster Charter is a consortium composed of public and private operators which provide satellite data for the benefit of disaster management. What the Charter represents is the many advantages of ensuring the space technology is used in such a way as to facilitate the fundamental, global public interest of the UN outer space treaties. The success of the Disaster Charter puts forward a strong case for a model of corporate governance that defers to ethical decision-making. The Disaster Charter is contrary to the dominant, profit driven contractarian approach, which subverts ethics as values such as human dignity, moral integrity and solidarity do not underwrite the calculus of decision-making; profit is the prime regulator. The communitarian approach mandates ethics, as it incorporates values that constrain the pursuit of general economic welfare and other goals that, in themselves, would be worthy. For present purposes, this refers to the general acquiescence to non-economic considerations.

This paper will explore how the Disaster Charter represents the benefits of communitarian governance structures in private space companies, which is a form of governance that can better maintain the treaty values and ensure that space activities are conducted with a view to their intergenerational qualities.