

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
A new look at (how far are we with) Space Traffic Management (3)

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COOKING UP NORMATIVE STEW: IDENTIFYING EMERGING NORMS OF SPACE TRAFFIC
MANAGEMENT

Abstract

Norms come from somewhere. That is to say, in other words, that norms do not spontaneously burst into existence, but rather that they emerge through a process of iteration until they become accepted parts of a particular practice area. Where the field of law is often concerned with norms that are established, the field of International relations is often concerned with how and from whence norms emerge. A prominent example of this is the work of Kathryn Sikkink and Martha Finnemore in the area of norm dynamics and their claim that norms go through a life cycle in which they hit a “tipping point” followed by a “cascade” of acceptance.

The idea of a norm life cycle is particularly salient in examining emerging structures of transnational law such as space traffic management (STM), but this life cycle must be contextualized with the recognition that STM currently exists as a melange or stew of potential norms. Currently, though there has been much conjecture as to what attributes an international STM system might possess, there is a need to evaluate what norms may emerge from this ‘stew’ of potential norms. This paper will explore what suggested STM norms have the potential to reach a ‘tipping point’ and ‘cascade.’ The goal is not necessarily to identify what an international STM system might look like, but to identify what current practice will have the most potential to influence on what it will look like.

This paper will proceed first with an analysis of the literature on norm life cycles. Next it will turn to a discussion of the current state of STM and contextualize this within the norm life cycle framework. Next, it will turn its attention to potential practice that could indicate emerging norms and their future potential.