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COMBINING AIR AND SPACE OR HOW TO START REGULATING SPACE NAVIGATION AT THE
INTERNATIONAL LEVEL?

Abstract

According to the Union of Concerned Scientists, which tracks active satellites, as of January 1, 2022, there are more than 4,852 operational satellites, of which 4,078 are in low Earth orbit, 574 in geostationary orbit, 141 in medium Earth orbit and 59 in an elliptical orbit around the Earth. As provided by the Index of Objects Launched into Outer Space, maintained by UNOOSA, on February 20, 2022, the total number of individual objects in space counted 8,378. In early 2022, extraterrestrial human activities added 182 objects to the Index.

The growing involvement of private companies in space activities and an increasing number of so-called satellite constellations launches leads to an augmentation of objects floating around the Earth. Orbits are getting drastically loaded. Satellite operators pay more than 14 million euros a year for avoidance manoeuvres to secure satellites.

The existing treaties governing extraterrestrial human activities have established only the basic principles for the exploration and use of outer space. As for the international legal regulation of space navigation, it is essentially non-existent.

The research substantiates the importance of establishing an international legal regime of space navigation similar to the current regulation of air navigation implemented by the Chicago Convention of 1945 and its Protocols. The further synergy between fundamental provisions of air navigation regulations and the outer space legal regime would allow the unification of air and space navigation rules and enhance space activities' efficiency, safety, and security.

In the course of the study, the author concluded that the most optimal approach to tackling this issue would be the establishment of a new international organisation. Its primary purpose would be to develop a universal treaty consolidating the legal regime for space navigation similarly to the regulation determined in international air law for air navigation. The treaty would be accompanied by the set of annexes designed as international standards, creating a uniform foundation ensuring spaceflight safety and security, establishing a system for the echelon of objects, and rules for the operators of objects launched into outer space.