

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)  
Space Sustainability (4)

Author: Dr. Leslie I. Tennen  
Law Offices of Sterns and Tennen, United States

THE DEVELOPMENT SPACE SUSTAINABILITY STANDARDS THROUGH NATIONAL LICENSING  
REGIMES

**Abstract**

The private sector is poised to reap untold riches in space, and new and imaginative ventures are being announced almost daily. Many companies have set their sights on the Moon. With great opportunities come great responsibilities, including the duty grounded in the Outer Space Treaty to conduct activities in space in a sustainable manner. The COSPAR Planetary Protection Policy and the IADC Space Debris Mitigation Guidelines establish detailed policies to promote sustainability, but these instruments have applicability only in limited defined contexts. The elements of space sustainability are yet to be clearly articulated, especially with regard to private sector activities. The development of legal standards will need to consider the interests of all stakeholders, including the global public interest, and policies must consider history, culture, ethics, and aesthetics.

The absence of comprehensive international agreements on standards of conduct places states, especially licensing regimes, at the forefront in determining and shaping the contours of acceptable activities. States such as the United States and New Zealand have taken initial steps in their domestic laws to articulate specific policies to promote sustainability and prohibit certain activities as contrary to public policy, such as obtrusive space advertising or harming, interfering with, or destroying other spacecraft or Apollo landing sites.

This study examines the role that states and national licensing regimes can play in defining the elements of space sustainability with special emphasis on private sector activities. Substantive policy considerations are identified and analyzed regarding, *inter alia*, the protection of scientific investigations, prevention of interference with activities of other entities, preservation of sites of special historic, scientific or aesthetic interest, disclosure of information concerning activities and discoveries, and the impact of activities on orbital and celestial environments. The study concludes with specific recommendations to promote space sustainability.