

August 19, 2008

2008 Report of the Committee on the Peaceful Uses of Outer Space Released

By Phil Smith

The 2008 report of the [United Nations Committee on the Peaceful Uses of Outer Space](#) has been released.

COPUOS reports typically contain decisions and recommendations of the committee, information on administrative matters, reports from the Scientific and Technical Subcommittee and Legal Subcommittee and agenda items for the next session. Of particular interest to the Secure World Foundation are the following, listed under matters considered by the Legal Subcommittee:

§117. “The Committee further noted that a new item on the agenda of the Legal Subcommittee at its forty-eighth session, in 2009, entitled ‘General exchange of information on national mechanisms relating to space debris mitigation measures.’”

§120. “Some delegations expressed the view that the adoption of the Space Debris Mitigation Guidelines of the Committee was the first important step towards a comprehensive solution to the problem of the safety of space traffic and looked forward to further discussions on the topic.”

§121. “The view was expressed that the issue of space debris should also be considered by the Legal Subcommittee, with a view to developing a binding legal framework.”

§122. “The view was expressed that transparency among Member States was indispensable to space debris mitigation, and all spacefaring States were urged to share information regarding the location and physical characteristics of space debris potentially resulting from their activities.”

Holland & Hart Partner Discusses Space Tourism and the Law

By Phil Smith



Rachel Yates, attorney and partner at Denver-based [Holland & Hart](#) and an Advisory Committee member for the Secure World Foundation, lectured on the topic of space tourism and law during the July Space Security Lunch Series sponsored by the Secure World Foundation and held at the [University of Colorado Boulder](#). Her presentation, entitled “[Space Tourism: Having Fun at Your Own Risk](#),” was geared toward an audience with limited understanding of space law.

After introducing the nature of the space tourism market, which is still in the development phase but expected to enter the profit-generating phase sometime between 2009 and 2011, Ms. Yates used a fictional scenario to describe the multiple legal angles inherent in space operations. She explained that there are several treaties in place to handle various international legal matters, and specifically covered the [Liability Convention of 1972](#).

The Commercial Space Launch Activities Act and the [Federal Aviation Administration](#) (FAA) became the focus of the latter part of her talk. The Commercial Space Act, passed in 1994, delegates authority for monitoring and regulating safety in the U.S. commercial space transportation industry. She described regulation, 14 CFR (Part 460) as applying only to expendable launch vehicles until 2004, that



News Bits

The [Secure World Foundation's Advisory Committee](#) will gather in Niwot, Colorado in September for its first annual meeting. Advisory Committee members are: **Gerard Brachet**, Consultant; **Richard Dalbello**, Intelsat; **Lori Garver**, The Avascent Group; **Dr. Joan Johnson-Freese**, United States Naval War College; **Dr. John M. Logsdon**, Lindbergh Chair in Aerospace History, Air and Space Museum; **Dr. Cherilynn Morrow**, Georgia State University; **Dr. Stanley Riveles**, Institute for Defense Analysis; **Marcia Smith**, Space Studies Board, National Research Council; **Richard Tremayne-Smith**, Consultant; **George Whitesides**, National Space Society; **Rachel Yates**, Holland & Hart.

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One new fact sheet has been published by the Secure World Foundation. It answers questions about the [United Nations Institute for Disarmament Research \(UNIDIR\)](#).

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SWF Information Manager **Leonard David** and consultant **Barbara David** both attended the Lunar Science Conference at [NASA Ames Research Center](#), July 20-23. The conference was an opportunity for several countries to sign an agreement to work together on an automated lunar network for geophysics research.

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Arizona Senator **John McCain's** campaign released the GOP presidential candidate's space policy objectives should he be elected. Highlights include: Ensuring space exploration is top priority; commit to funding

statutory amendments prompted notice of proposed rulemaking (NPRM) for human spaceflight, and that experimental permits for reusable suborbital launch vehicles are required as of 2007.

The regulations also cover design and operational requirements of vehicles used to transport passengers into space, pointing out that such requirements will not apply until 2012, when more is known about the technology and market. Crew safety and training was also addressed, and Ms. Yates explained that suborbital vehicles designed to transport passengers must be controlled by a qualified pilot with an instrument rating, have mission-specific training and pass an FAA second class airman medical examination.

Passengers, meanwhile, require minimal flight training for emergencies, no medical exam, and must sign a consent and waiver form (not usually recognized by the courts). Passengers are also prohibited from carrying weapons aboard the vehicle.

Ms. Yates' talk wrapped up with insurance, which involves high premiums until operators establish track record. She pointed out that industry associations play a critical role in establishing insurance norms and in lobbying for measures and reforms as they become necessary.

Mr. Bill Gail, Director of Strategic Development for [Microsoft's Virtual Earth](#) project, will present at the next lunch held on August 22 at the University of Colorado Boulder.

Brian Weeden Presents at Union of Concerned Scientists Symposium

By Phil Smith and Brian Weeden

SWF technical consultant Brian Weeden just returned from the [Union of Concerned Scientist's Summer Symposium 2008](#). This eight-day event brought together a mix of younger and more experienced international technical researchers in the security field, with focus on PhD graduates starting their post-doctoral work. Thirty-five participants from 12 countries attended the event, each giving a 45-minute presentation on their current or proposed area of research. Focus was on not only the technical content but also the policy implications of the work.

Brian gave three presentations at the symposium. The first was a presentation on Brian's time as an ICBM crew member which was received quite well by the audience – many of them only knew nuclear weapons issues from a technical standpoint and Brian was able to provide a different point of view. His ICBM talk was ultimately used as a lead into a discussion on changes to U.S. nuclear weapons policy and eventual elimination of nuclear weapons.

Brian's [second talk](#) covered space security and sustainability, which started the space security day. Brian thought this was probably the most beneficial talk as many of the people in the room were not familiar with space security issues and it helped to focus the rest of the day's talks. The [third presentation](#) was on Sun-synchronous zoning. Brian will be presenting a version of this briefing at the Maui Advanced Optical and Space Surveillance Technologies Conference (AMOS) in September.

Overall, Brian felt that the event was a huge success with many new ideas and relationships emerging between different technical security researchers from different countries.

the NASA Constellation program; review and explore options to ensure U.S. access to space beyond Shuttle; ensuring the national space workforce is maintained and fully utilized; complete construction of the ISS and seek ways to maximize the asset; maintain infrastructure investments in Earth-monitoring satellites and support systems; prevent wasteful earmarks from diverting resources from critical scientific research; and ensure adequate investments in aeronautics research. It should be noted that he has not mentioned his stand on space weapons or international treaties for space security.

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"[Forging a Sino-US 'grand bargain' in space](#)" was written by **Theresa Hitchens** (Director of the Center for Defense Information and SWF consultant) and **David Chen**, featured in *Space Policy*, Volume 24, Issue 3, August 2008. In it, they argue for expanding discussions of space issues with China to include commercial space and civil space issues, with the goal of eventually achieving a code of conduct in space.

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[Skin in the Game: Realizing Australia's National Interests in Space to 2025](#) is available from the Kokoda Foundation, a think tank that is focused on Australia's future security challenges. Written by **Brett Biddington**, this report outlines a modest investment program that would allow Australia to protect and advance its national interests in space into the future.