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# Space Sustainability and Space Law: From understanding to acting

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Why do we still not have universally binding and enforceable provisions for space debris mitigation even though

- the issue has been discussed in the UNCOPUOS-STSC since the 1980s,

- ITU has passed RECOMMENDATION ITU-R S.1003 already in 1986!





Only a non-binding agreement on the lowest possible level (not even a UNGA Resolution but an Annex to a Committee Report), the Space Debris Mitigation Guidelines, has been reached in 2010 in UNCOPUOS...

...with subsequent recommendations, study groups and charters being set up or published by governmental and non-governmental entities and groups (like IADC, GSOA, WEF or ESA and numerous others).



But we neither have:

- binding provisions for the mitigation of space debris,
- binding provisions for space debris remediation,
- harmonised legally binding provisions on protecting the space environment from space debris on the national level under Art. VI OST and ITU regulations,
- nor enforcement mechanisms in any of these fields.



Now we deal with (even Long-term) Sustainability in space – even though we did not truly do our homework on the specific area of space debris for 30 years.

Will the future compare space sustainability with the failure to meet the 2 degrees target?



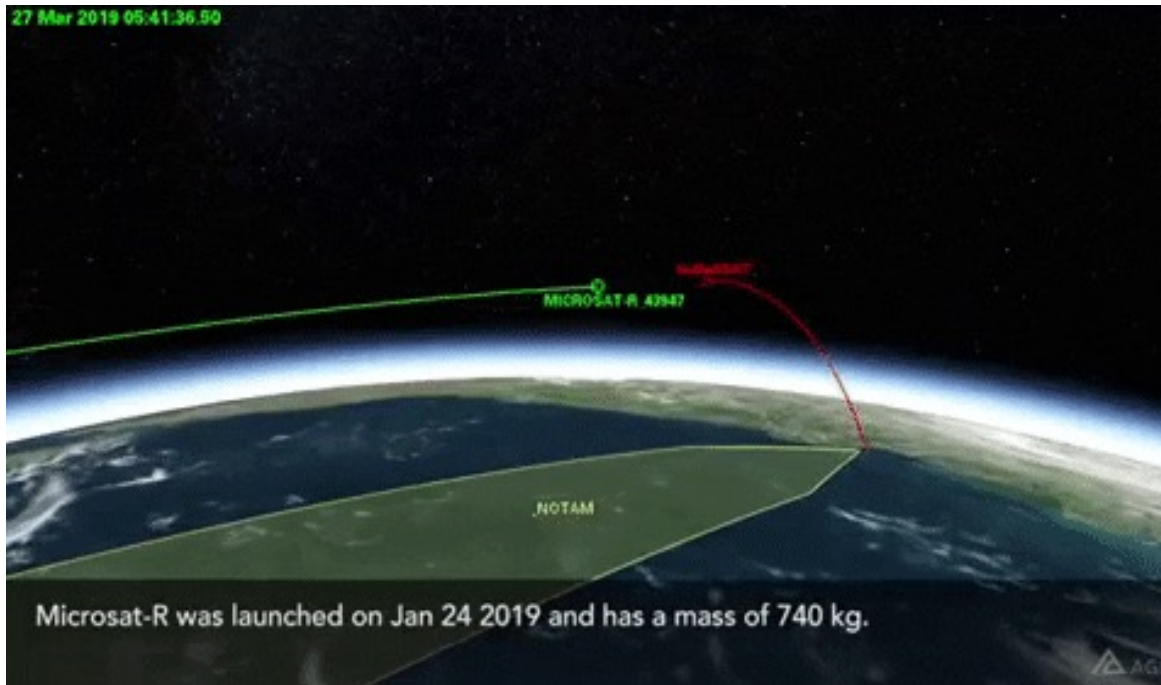


So, why should we be optimistic now that the understanding we have developed will lead to bolder concrete action?





[https://www.esa.int/ESA\\_Multimedia/Videos/2022/04/Message\\_from\\_Outer\\_Space\\_to\\_ECSEL\\_IISL\\_Members\\_by\\_ESA\\_Astronaut\\_Matthias\\_Maurer](https://www.esa.int/ESA_Multimedia/Videos/2022/04/Message_from_Outer_Space_to_ECSEL_IISL_Members_by_ESA_Astronaut_Matthias_Maurer)



1. The security-sustainability nexus has become a driving force (it started with military NPS as initiator for space debris deliberations, and recently was highlighted by a number of anti-satellite tests).





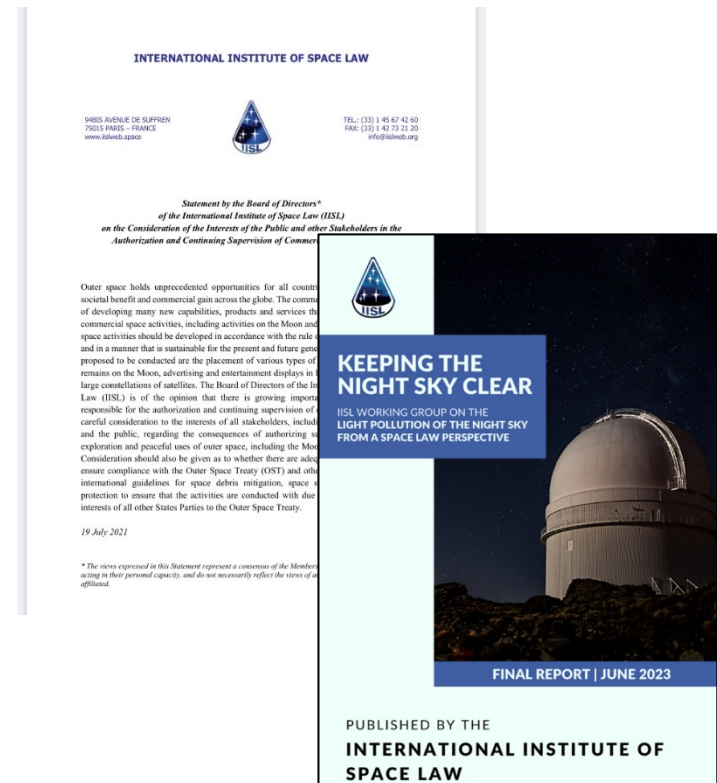
2. Governmental and non-governmental interests are getting aligned in view of the promise of a 1 trillion global space economy. The demand also from the non-governmental sector is to have equitable access, free from the various types of interference.





3. The national implementation of international obligations under space law is crucial. Accepting this responsibility in national authorization and supervision is not yet universal – different to telecommunications law, which has a long practice.

(Position paper by the IISL Board of Directors on authorization and continuous supervision of governmental and private space activities, July 2021, and IISL Study on light pollution of June 2023).





4. The contextualisation with sustainability works (in the 1990s, it was even negated that space debris was an “environmental issue” ... now it is a responsibility of all).



Meeting the needs of the present without compromising the ability of future generations to meet their own needs.





5. STM opens the opportunity to shape a new architecture for space law, still based on the principles in the OST, taking ITU or ICAO as examples (Treaties, Regulations, Standards), which then would also encompass bindingness and enforceability, developed and implemented in a multi-stakeholder approach.





6. ITU also contributes significantly to space sustainability and STM, in particular following the ITU PP-22 and RA-23 & WRC-23 decisions with the following perspectives (ideally and as appropriate in coordination with UNCOPUOS):

- Development of a Handbook on best practices for the sustainable use of frequencies and associated non-GSO orbits by space radiocommunication services, including individual experiences and guidelines adopted by Member States and Sector Members.
- Develop and approve a new Recommendation providing guidance on safe and efficient deorbit and/or disposal strategies and methodologies for non-GSO space stations involved in radiocommunication services after the end of their life.
- Strict implementation of the recent WRC-23 decisions, related to the deployment and operation of very large non-GSO constellations.
- To create a compendium of links containing a reliable information base on the non-GSO satellite systems.



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