

Space for new regulations

Dr. Assad Kotaite

The United Nations last year declared 4-10 October as World Space Week to highlight the important and far-reaching contributions of space technology to the betterment of the human condition.

Civil aviation is one sector where the technological benefit is clearly in evidence. Aviation has long looked to space for solutions to safety-related issues and for improvements in efficiency. ICAO, for example, has been actively promoting the use of space technology for close to 30 years, beginning with its Seventh Air Navigation Conference in 1972, which recommended that States pursue the use of satellites for civil aviation. The future air navigation systems (FANS) concept took shape in the early 1980s and today ICAO is working on the development of a global air navigation plan which is based in large part on the follow-up to FANS – the CNS/ATM systems concept. These communications, navigation and surveillance and air traffic management systems also rely extensively on satellite technology.

In short, space science and technology has, and will continue to play, a critical role in the safe and efficient evolution of international aviation for decades to come. A healthy and growing air transport system is important to the collective well-being of the world's nations; beyond economics, air transport enriches the social and cultural fabric of society and contributes to work peace and prosperity.

World Space Week triggers our imagination and prompts us to

reflect on the next frontier of civil aviation. Laid out on the drawing boards of aircraft manufacturers and futurists are spacecraft that one day will carry passengers into the upper airspace and eventually into outer space. When that day comes, and it may not be that far away, real issues will



need to be addressed by government regulators. What rules should govern litigation and compensation in cases of incidents and accidents? How far into space does the sovereignty of a State extend? How will user charges be defined and collected, if indeed they exist at all?

Actually, the need to establish guidelines for outer space is more pressing than it appears at first glance. Numerous satellites and other pieces of equipment already circle the earth. In time, equipment can break apart or be struck

by other orbiting objects, endangering manned space vehicles and threatening astronauts on space walks. And one day passenger flights will operate in this increasingly congested environment.

As is often the case, answers to questions about the future can be found in the past. Valuable

a similar situation with respect to outer space. The time seems ripe to begin formal discussions on how best to harness the extraordinary potential of the frontier we call outer space.

Contrary to the drafters of the Chicago Convention, we have a model at our disposal. We should not ignore this precious lesson of history. By acting expeditiously, we can tackle these issues before we are forced to do so.

The idea of adopting ICAO as a model, or expanding the mandate of ICAO to encompass outer space, has been raised before. This approach has merit. For example, the standards and recommended practices (SARPs) of the Convention and its 18 annexes, which regulate international civil aviation, have proven effective in adapting to the dramatic transformation of civil aviation during the past 50 years or so. A global forum of nations is essential for achieving consensus on the management of outer space, and there already exists such a respected and time-honoured structure.

Whatever formula is ultimately adopted, it should reflect the spirit of both World Space Week and the Chicago Convention, which eloquently acknowledges in its preamble that "the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world."

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insight can be gained from the creation of the regulatory framework for international civil aviation more than half a century ago. In late 1944, when civil aviation was still in its infancy, representatives from 52 countries met to draft and sign the Convention on International Civil Aviation. That historic document created ICAO, and 56 years later this global forum remains as relevant as ever in promoting the safe and orderly development of international civil aviation.

My sense is that we are today in