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**Sources of
Space Policy and Law**

- **Custom**
- **Domestic and International Laws**
- **Treaties and Agreements**
- **Policy Statements and Directives**
 - **Presidential**
 - **DoD and The Armed Services**
 - **Other Government Organizations**

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We will discuss each of these in the order shown.

- Custom refers to precedents that have been set in the relationships between nations over many centuries. Obviously, precedents dealing directly with space issues are much more recent and there really haven't been many incidents. Customs associated with maritime law are related.
- International law, treaties, and agreements usually remain in effect for a long time. Unless a subsequent law or treaty specifically supercedes an existing law or treaty it is assumed that the effect is cumulative. For this reason, it is important to review the key international laws, treaties and customs that apply to space and space systems, particularly those that have an impact on military operations.
- Domestic laws have been passed that effect the use of space systems. This includes the approval of budgets by the Congress and the President.
- US government policy statements and directives do not carry the weight of laws and treaties but they provide guidance and direction for the organization and its subordinates.. They include the combined impact of custom, international law, treaties, agreements and domestic law.

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CUSTOM

- **Based on maritime law and customs.**
- **Specific differences: Abandoned space materials are still the property (and responsibility) of the launching nation. Not like maritime derelicts and wrecks.**
- **Concept: If not specifically illegal then it is legal.**

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The field of space law obviously does not have centuries of its own tradition so much of it is based on customs common to international and maritime law. Maritime law is a good basis for space law because it deals with a country's or company's property and activity outside of its own borders. The open ocean is considered international waters and cannot be claimed by any nation. For example, the United States recognizes that national domain extends 12 miles from the shore out into the ocean. If two countries are separated by a body of water that is less than 24 miles across, then the international border is half way between the shores or along an agreed boundary. Maritime law has specific rules for the salvage of derelicts or sunken wrecks in international waters. These rules do not currently apply to space systems. Regardless of their operational status, satellites are considered to always be the property and responsibility of the country or organization that owns the satellite.

The concept of national versus international waters is similar to the concept of national and international airspace. An aircraft flying into a nation's airspace must get permission to do so. All nations claim that their national airspace extends upward over their territory to an unspecified altitude. There is no legal or internationally agreed to definition of where space starts. A satellite in orbit, even with a very low perigee (the closest point in the orbit to the surface of Earth), is always considered to be in international space. An aircraft, regardless of altitude, is considered to be in airspace.

A principal concept of international law is that if something is not specifically illegal, then it's legal.

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US Space Strategy Formulation

- **Space law and policy acts as a foundation upon which strategy and tactics are built**
 - **Policy drives strategy**
 - **Strategy drives tactics**
- **Policy should be adaptable**
 - **If no longer valid, change it**
- **Re-assess policy on a periodic basis**
 - **Change due to technology/requirements**

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Policy acts as a foundation upon which strategies and tactics are built, but it can also act as “lid” which restricts our actions.

Policy needs to be adaptable:

- If it is no longer valid, attempt to change it.
- Re-assess policy on a periodic basis.
- Policies older than a decade should be reviewed due to the significant changes in technology and requirements.

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National Space Policy

- **Each president since Eisenhower has published a space policy**
- **Each builds on the previous policies**
- **National security use of space and space systems always included**
- **Supplemented by additional directives**

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Each President since President Eisenhower has issued a space policy statement.

Each has built on the previous although emphasis on particular areas or applications has changes.

The use of space and space systems in support of national security objectives has always been a part of the Presidential policy statements and directives.

Additional guidance has been provided in Presidential Directive (PD's) or Presidential Decision Directives (PDD's). Some of those have been classified documents.

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National Space Policy Evolution

- **1958 -First national space policy. Separate programs for civil, commercial, and national security. NASA created.**
- **1960's -Kennedy set first major space goal. "man on the Moon..."**
- **1970's -Moon landings then space program loses focus and priority is lowered. Broad objectives. Shuttle program approved.**
- **1980's -Space warfighting perspective. Strategic Defense Initiative to eliminate Ballistic missile threat.**
- **1990's -Space relatively low priority. Emphasis of joint ventures. Space station Downsized.**

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In 1958, President Eisenhower signed the first national space policy statement. It established separate programs for civil, commercial, and national security purposes. The National Aeronautics and Space Administration was created. Many of the personnel came from Army space and rocket programs, such as Dr. Wernher von Braun. NASA, as a civil, unclassified space organization, was essential to show that the US was intent on using space for peaceful purposes.

President Kennedy rallied the nation with his announcement of the goal to land a man on the Moon and return him safely to Earth by the end of the decade. Military development of space and space systems continued but it was the manned launchers that took the limelight. Significant advances in communications, weather and intelligence systems were made.

In the 1970's, after the series of manned lunar explorations were complete, the national space program lost its focus and its overall priority in the national budget decreased. Broad but unexciting objectives were formulated. The Space Transportation System, the shuttle was approved with the intent to reduce space launch costs by relying on a reusable launcher.

In the 1980's, a space warfighting perspective was realized within the military services. Each of the services formed space organizations to foster the development and application.

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