

BELL NUNNALLY'S JOSH SMITH CO-AUTHORS SPACE REVIEW ARTICLE EXPLORING CHINA'S MESSAGING AROUND OBJECTS IN SPACE, EMERGING ISSUES IN SPACE LAW

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Bell Nunnally Associate Joshua T. Smith co-authored *The Space Review* article “China says Elon Musk’s Starlink is ‘phenomenal,’ but what is the real message?” The piece explores the implications of a an early December 2021 diplomatic communiqué from the People’s Republic of China, a “Note Verbale,” sent to the Secretary General of the United Nations regarding a “phenomena” in space that the nation claims “could constitute a danger to the life or health of astronauts.”

The "phenomena" in question are two SpaceX Starlink satellites that have passed by the Chinese Space Station on numerous occasions at close proximity. As Smith and his co-author, Michelle Hanlon, co-director of the Center for Air and Space Law at the University of Mississippi, note, “These encounters were close enough to require the Chinese to expend precious propellant to implement preventive collision avoidance maneuvers. This is a very serious issue and puts necessary focus on the fact that low Earth orbit, which hosts more than 3,000 operational satellites that supports, betters, and saves lives here on Earth, is starting to get dangerously crowded.”

Smith and Hanlon place China's communiqué in the context of U.S. and international space law regulation and consider the broader implications of China's message, potentially telegraphing a more muscular posture towards objects in space, “From a language standpoint, the Chinese interpretation of a ‘phenomena’ also raises question. It is puzzling to think that the standard operation of a satellite would be considered a ‘phenomena’ – a word commonly defined as a fact or situation whose cause is unexplained or in question. Taking China's interpretation would mean any country that has personnel in space will have the absolute power to criticize un-crewed space objects that may have been operating in a defined orbit for decades. It is inconceivable that operating a satellite with continuing supervision and due diligence is a ‘phenomena’ under any Treaty interpretation.”

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