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PROTECTION OF OUTER SPACE ENVIRONMENT: WHAT IS NOT PROHIBITED IS
PERMITTED?

Abstract

The derogation of outer space environment resulting from human activities has invoked the debate on States' obligations under international law to protect outer space environment. The common interest of States and the freedom of exploration and use of outer space will be jeopardized unless the international community takes immediate steps to protect the space environment from pollutions. The concept of "province of all mankind" confers upon States not only the right of free exploration and use of outer space, but also the obligation to protect outer space environment.

This article seeks to find the inadequacy of *lex lata* in the protection of outer space environment and the applicability of the Lotus principle. Firstly, before close scrutiny of outer space environment protection from legal perspective, this article briefly introduces the *sui generis* character of pollution in outer space, mainly hazards of nuclear power sources and space debris. In part II, this article analyzes the space pollution in the classical international law approach, focusing on hard-law obligations. Part III explores the applicability of the Lotus principle and States' obligations to protect outer space environment beyond hard law, taking into account the status of outer space as the "province of all mankind".