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The International Legal Regulation of Outer Space within the Scope of Public International Law (3)

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University of Alabama in Huntsville, United StatesCRITICAL LEGAL ISSUES ASSOCIATED WITH CURRENT AND FUTURE SPACEFARING
ENDEAVORS**Abstract**

Over fifty year ago the “space race” was comprised of two participants – Russia and the United States (US). Over the last twenty years the means of attaining spaceflight goals has changed dramatically as multiple nations have and are collaborating to more efficiently achieve various goals; the International Space Station (ISS) is a prime example. Additionally, other countries are singularly developing and reaching their own spacefaring goals. With multiple nations currently or nearing participation in space exploration- including manned and unmanned space activities- numerous legal issues associated with the pursuits have arisen and will continue to be critical issues requiring attention. Orbital debris has increasingly become a concern for space agencies including the National Aeronautics and Space Administration (NASA). A key legal concern regards the liability for damage caused by the debris as well as the pre-emptive responsibility of space debris removal before damage occurs. Additionally, as extraterrestrial exploration continues to evolve, the ownership rights and the allowable usages of the material must be defined. Finally, with so many entities continuing and preparing to participate in space activities, the sensitive issue of protecting national assets in space must be addressed. For example, if a purposeful act- such as destroying another nation’s satellite- is committed, will that constitute an act of war similar to such an act on earth? The present paper focuses upon the status of the aforementioned key legal issues with respect to current international law principles. Additionally, via personal communication with key space industry leaders including a former NASA administrator, alternative options and solutions to the various legal dilemmas are presented.