

SPACE DEBRIS SYMPOSIUM (A6)
Mitigation and Standards (4)Author: Mr. Shivain Vaidialingam
National Law University, IndiaMr. Varun Eknath
India

SPACE DEBRIS MITIGATION: AN INTERNATIONAL OUTLOOK

Abstract

The ability to use and explore outer space is internationally recognized as the “common interest of all mankind,” but given the vast expanse of outer space; early advances in national space programs rarely considered human made debris a threat to future space activities. Several major space-faring States have promulgated their own domestic requirements for mitigating space debris. Yet, despite the concerted efforts of the international bodies responsible for promulgating such guidelines, recent events have spurred several commentators to call for more formal, legally binding rules in outer space. The United Nations has released space debris reduction guidelines, but these guidelines are merely of recommendatory nature. Making these recommendations obligatory will be a step in the right direction. Neither the Outer Space Treaty, 1967 nor the Liability Convention, 1972 contains provisions requiring space faring nations to serve as collectors of trash. Countries venturing into space to explore the vast unknown must not live in the fear of their satellites facing unforeseen events.

Although space debris are hard to trace, a provision should be introduced in the laws relating to Outer Space to provide adequate or satisfactory compensation to the injured nation(s). Apart from any salutary warning that significant improvements may take a generation or more, it is important to note that even the space debris community is not broad enough in its remit because it confines itself to debris in Earth orbit. Space faring nations should be made to mandatorily contribute to a common pool from which nations suffering damage are to be compensated when the genesis of the debris is unknown. The United Nations guidelines should be made obligatory, disregarding the fact that substantial expense will be incurred in their implementation. Because space debris is a global challenge and cannot be controlled by any one country, international co-operation and sharing of expertise, resources are imperative. Though the Outer Space Treaty ensures a right to use and explore outer space to all of humankind, a space debris mitigation treaty would necessarily limit those rights. Such limitations are not inherently bad. Destruction of worn out space objects is an expensive endeavour and it must not lead to the birth of more debris. We strive to argue in favour of making the United Nation Space Debris Mitigation Guidelines binding and obligatory on all nations undertaking activities in space.