

55th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Nandasiri Jasentuliyana Keynote Lecture on Space Law & 4th Young Scholars Session (1)

Author: Mr. Aditya Sharma
National Law University, India

Ms. Medhavi Singh
India

ENVIRONMENT IMPACT ASSESSMENT OF ACTIVITIES IN OUTER SPACE

Abstract

Environment impact assessment is an efficient tool for environment protection and management. The International Association for Impact Assessment (IAIA) defines an environmental impact assessment as "the process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of development proposals prior to major decisions being taken and commitments made." Recognizing the importance and potential value as an instrument to promote sustainable development, Principle 17 of Rio declaration provides that environmental impact assessment as a national instrument shall be undertaken for proposed activities that are likely to cause adverse impact on the environment. Space activities are considered ultra hazardous activity that is activities which involve a risk of serious harm on an international scale which cannot be eliminated by the exercise of the utmost care. From the outset, Space activity has been considered to be an inherently dangerous activity. Space activities have potential of harmfully contaminating environment and are also capable of causing adverse changes to the environment of earth and outer space. Outer Space Treaty provides "If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space, including the moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment" . However such consultations can only be successful once Environment impact assessment is carried out and reports are discussed.

Environment impact assessment is not a well established tool in the arena of law of outer space. This paper analyses environment impact assessment in the light of impact caused by space objects in outer space and on the surface of earth. Paper identifies legal lacunae and makes suggestions with a view to encourage the development of a comprehensive code mandating Environment impact assessment for all space activities. This paper proposes that such reports shall be made available when a state party calls for an international consultation.