

SPACE DEBRIS SYMPOSIUM (A6)
Space Debris Removal Issues (5)

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FUNCTIONALIST APPROACH TO MITIGATION OF SPACE DEBRIS

Abstract

One of the general principles of customary international law is “to act in a way that does not harm the interests of other legal subjects” (*sic uteretur alienum non laedus*) which applies to outer space as well. Article VI states the international responsibility of State parties to the Treaty for national activities in outer space, while VII deals with the international liability for damage by a launching state. Obligation rests on the launching state to avoid damage by their non functional spacecraft. Space debris will increasingly continue to cause danger to outer space programs. Legal regulations must be found out for this problem. The “Kessler syndrome” presents further potential of space objects going out of control and turning into space debris. Space debris causes damaging potential which have to be considered afresh, as they have not been sufficiently addressed in the Outer Space Treaty and the Liability Conventions when drafted.

This research paper aims to analyze the current legal regime regulating the mitigation and removal of space debris. This research paper highlights how the categorization of space debris using a new systematic process of removal of space debris is the need of the hour. Researcher finally concludes this paper by giving suggestions and recommendations adopting a functionalist approach for the mitigation and removal of the space debris.