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SPACE DEBRIS- LEGAL ASPECTS

Abstract

When the space treaties were drafted, no one could foresee the hazard of space debris; thus, the term is wholly absent from the *Corpus Iuris Spatialis*. Although not binding, the IADC Space Debris Mitigation Guidelines and the UNCOPUOS International Technical Guidelines on Space Debris constitute an important step, as they internationalize the discussion on the problem. This paper analyzes the potentially relevant to space debris articles of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space including the Moon and Other Celestial Bodies, the Convention on International Liability for Damage Caused by Space Objects and the Convention on Registration of Launched Objects into Outer Space, with specific examination of the terms “harmful contamination”, “space object”, “damage” and “jurisdiction and control”. As space debris mitigation practices cannot be considered as Customary International Law, due to lack of *opinio iuris* and absence of existent and uniform State practice, the applicability of general principles of international law is examined, to reach the conclusion that such an applicability is extremely limited. As a final point, the paper highlights the needs to the confrontation of the growing problem of space debris, which are the formal definition of “space debris”, so as to clarify its relationship with the term “space object”, the exemption to the principle of the permanency of jurisdiction and control over space debris, the alteration of the liability regime for damage caused by space debris to absolute liability, since fault is unlikely to be established, the modification of the principle of state responsibility as states are not held accountable for the mere creation of debris (as opposed to damage caused by debris) and finally, the improvement of detection and identification capabilities of pieces of debris. Summing up, the paper concludes that international space law needs modification due to the *lacunae* in existing legislation.