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PRESERVING THE OUTER SPACE ENVIRONMENT: THE ‘PRECAUTIONARY PRINCIPLE’
APPROACH TO SPACE DEBRIS

Abstract

The amount of space debris in Earth’s orbit increases in alarming speed. Since the dawn of space activities, tons of manmade, useless objects have been gathered around our planet, including abandoned stages of launching rockets and uncontrolled artificial satellites. The current scenario urges the international community to discuss effective legal measures to mitigate the production of space debris, due to the risks they represent to functioning space objects and, in the event of their reentry, because of the harm they may inflict to aircraft in flight as well as property and people on the ground.

In the interest of preserving the outer space environment, reference is contemplated to a fundamental tenet of international environmental law, i.e., the “precautionary principle”. According to the Rio Declaration on Development and Environment of 1992, “in order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation” (article XV).

The present paper proposes a study of the “precautionary principle” as applied to space law, relating it to the present space debris situation, as means to support efficient and cost-effective regulation safeguarding the peaceful exploration and use of outer space, for the benefit and in the interests of all countries.

Key Words: Space Law; International Environmental Law; Space Debris; Precautionary Principle.