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Legal Aspects of Space Debris Remediation (4)

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DRAFTING NORMS ON SPACE DEBRIS. A NEW TASK FOR THE SCIENTIFIC AND TECHNICAL
SUBCOMMITTEE?**Abstract**

Between the two subcommittees of the UN Committee on the Peaceful Uses of Outer Space (UNCOPUOS), there seems to be a clear division of labor: while the Scientific and Technical Subcommittee's focus is on scientific and technical aspects of the exploration and use of outer space, the Legal Subcommittee deals with legal and regulatory issues. However, in the area of space debris, there appears to evolve a certain tendency to shift the task of drafting norms more and more to the Scientific and Technical Subcommittee. After the adoption of the UNCOPUOS Guidelines on Space Debris in 2007 which had been developed within the Scientific and Technical Subcommittee, there have been attempts to deal with the legal aspects of them in the Legal Subcommittee. However, so far, these attempts have not been successful. The latest and widely debated proposal of a new agenda item on space debris was submitted by the Czech Republic in 2011. One of the main arguments against this proposal was that the Scientific and Technical Subcommittee had just introduced a new agenda item on "Long-term sustainability of outer space activities" and established a working group which with a mandate to draft guidelines, amongst others, on space debris. Four expert groups should prepare those guidelines, two of which are relevant with regard to space debris: "Expert Group B" on "Space debris, space operations and tools to support collaborative space situational awareness", and Expert Group D on "Regulatory regimes and guidance for actors in the space arena". It seems, therefore, that there is general agreement on the need for regulatory regimes and guidance for actors, but that, within UNCOPUOS, States are more confident when they are debated in the Scientific and Technical Subcommittee and not in the Legal Subcommittee. This leads to the paradoxical situation that the body which was established precisely for the purpose of dealing with legal and regulatory aspects of space activities is in practice prevented from doing so. The paper will analyze the arguments and reasons for the reluctance of UNCOPUOS members to entrust the Legal Subcommittee with the task of drafting norms with regard to space debris. It also will examine if and to what extent the Scientific and Technical Subcommittee is in fact performing this task and whether this is a suitable solution for the future.