

27th SYMPOSIUM ON SPACE POLICY, REGULATIONS AND ECONOMICS (E3)
Assuring a Safe, Secure, and Sustainable Space Environment for Space Activities (4)

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A HOLISTIC VIEW ON SECURITY AND COLLABORATION IN SAFE SPACE: LEGAL
CONSIDERATIONS ON A CONSENSUAL ORBITAL DEBRIS REMEDIATION SCHEME

Abstract

This paper looks at the current concerns about ensuring long term sustainability in the light of discussions regarding collaborative efforts towards debris removal. The calls for a longer term safe, secure and sustainable space environment make a strong case for aligning the interpretation and practice of space debris mitigation codes, the rules about preventive and precautionary measures, with the traditional outer space liability system. The paper looks at whether there can be greater authoritative interaction between the debris guidelines and the rules of Outer Space Law, as they apply to preventive and remedial measures. In doing so, it attempts to make a transition beyond the traditional focus on reactive, impact-related damage, as opposed to pro-active, remedial collaboration to contain the pending risks of outer space.

The ultimate regulatory and policy goal is to impact positively on debris in Outer Space, by agreeing not only on its future reduction, but by moving forward to a new *modus vivendi*. This involves some agreement on the parameters for risk-allocation and risk-sharing of the interests affected.

The paper therefore discusses whether the international space community could move forward from the currently practiced debris compliance to support its mitigation, possibly through incentive-based remedial systems. With the advent of space surveillance tracking systems, the Space Security Index and various research funded programmes in this area, a new matrix might lead the way towards some regulatory consensus. The precarious state of the outer space environment is known to all, yet final agreement on the risk-related aspects of action remains under discussion. Some salient aspects of law and policy are reviewed in this context.