

SPACE DEBRIS SYMPOSIUM (A6)

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NEEDS OF AN INTERNATIONAL POLICY AND A REGULATION FRAMEWORK FOR
OPERATIONAL DEBRIS MITIGATION SYSTEMS

Abstract

The preservation of space environment from threats (e.g. debris) will involve three main actions: surveillance, by monitoring the threats and implementing procedures in case of possible collision; protection, by strengthening the structure of space assets; environment cleaning, by removing debris (ADR) or by implementing on orbit services (OOS). The debris removal represents more than just a technical challenge and the legal policy issues could affect their future operations. The analysis of the policy legal issues are therefore an essential step to draft a set of specific rules, agreed at national and international level, for a governance and regulation framework. These aspects are very sensitive and they involve constraints in relation to the national sovereignty and to the identification of “commercial” actors that could invest and operate in these domains. The legal uncertainty, considering the lack of a clear definition of space debris and jurisdiction on ownership, could induce delay in setting up actions to implement the space debris mitigation measures. Similarly, in high seas, an international policy has been established for a right of salvage. Meanwhile, in outer space, it has to be taken into account that every State has the exclusive duty to operate the removal and disposal of its own space asset or debris. In some countries, the national policy and regulation framework have been already addressed, such as in the case of US and Canada, which have tried to endorse the principle of exclusive jurisdiction, with measures of licensing and insurance costs for removal operators. In this context the definition of a liability regime, together with the insurance services, will assume relevance in case of potential damages caused by debris to other satellites or the ISS. All these actions, in support of space debris environment remediation, will allow ensuring a long-term sustainability of activities in space.