

SPACE DEBRIS SYMPOSIUM (A6)
Space Surveillance, Legal Aspects and Space Debris Modelling (5)

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AN OVERVIEW OF LEGAL IMPLICATIONS GOVERNING SPACE-BASED ACTIVITIES
REGARDING SPACE DEBRIS MITIGATION: SHORTCOMINGS OF CURRENT SPACE TREATIES
AND CONVENTIONS

Abstract

Space pollution was perhaps not a major concern when humans first conquered the outer space in the late 1950s. However, it became an increasing problem as technology improved and became heavily reliant on the utilization of space to meet the needs of Earth's inhabitants. The problem became even worse as the earthlings craved for extending their dominance to the entire Solar System by sending orbiters, probes, and landers to even the most remote outreaches of their planetary system. That was when they realized how their planet's orbital space is a finite natural resource despite the seemingly infinite Universe; and the management of this finite space became an important issue. Space treaties and conventions began to be drawn up, protecting the space around Earth to be filled up with junks and making states liable for their space activities as well as raising concerns over polluting Earth's surroundings. Nevertheless, since these regulations were mostly compiled at the beginning of the Space Era, they fail to address all the delicate problems the world faces today as regards space debris.

This paper intends to examine some of the shortcomings of these treaties and conventions. Moreover, since these regulations are not legally binding and compliance to them is not mandatory while taking into account the fact that the United Nations has authorized the Committee on the Peaceful Uses of Outer Space (COPUOS) to manage space-related affairs, which includes the question of space debris, the present work intends to highlight the role COPUOS can play in combating this problem and filling the existing legal vacancy. On the other hand, despite its 50 years of activities in outer space affairs and in spite of the fact that space debris is a matter of great concern as voiced by all countries, the Committee has not yet come up with a convention which specifically addresses this issue that appears here and there in other UN documents. It thus becomes necessary for COPUOS members to put together all these scattered paragraphs in those conventions and treaties, modify them where necessary, add more items that take into account present-day concerns, and finally come up with a whole new convention. It is also suggested that a working group be assigned within COPUOS' Legal Subcommittee to devise all the mechanisms that define the scope of supervision, provided that all the Member States fully accept the role of this Working Group as an observing body within the United Nations over the problem of space debris. Finally, Capacity Building becomes essential so that decision-makers in all countries, irrespective of their degree of economic and/or scientific development, become fully aware of the hazards space debris pose to the Planet, view this issue as a potential disaster, and take serious actions beforehand as done when other natural or man-made disasters such as earthquake, flood, drought, tsunami, etc. are concerned.