

SPACE DEBRIS SYMPOSIUM (A6)  
Mitigation and Standards (4)

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IS THERE A LEGAL REMEDY FOR THE TRAGEDY OF THE COMMONS?

**Abstract**

Since the 1950s, humans have littered the earth's orbit with rockets and satellites, much of which has degenerated into waste. The US Space Command estimates there are some 13,000 objects in space around the Earth.

The growing problem of space debris negatively impacts the peaceful use of space for commercial and scientific purposes. Beyond the accidental collisions of satellites, discarded boosters, and satellites that have gone "dead", there is the intentional destruction of space objects by the military. To date, this intentional destruction was done for purposes of testing technical military capability; but history proves there can be no assurance that such activities will always have such a benign purpose. Moreover, whatever the motivation, blowing up satellites exacerbates the debris problem.

Among mitigation measures must be the tools of law. The Liability Convention does impose liability upon States for the damage their space objects may cause, but proof can be problematic, particularly with respect to damage caused by satellite fragments.

COPUOS promulgated voluntary Space Debris Mitigation Guidelines in 2007. But voluntary guidelines may not be enough. Yet COPUOS has been unable to promulgate a multilateral treaty governing space for several decades.

This paper will examine the legal regime governing space debris, identify its strengths and weaknesses, and propose improvements in the legal system to address this growing environmental threat.