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SPACE DEBRIS SYMPOSIUM (A6)
Political, legal, Institutional and Economic Aspects of Space Debris Mitigation and Removal (8)

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SOME LEGAL AND REGULATORY CHALLENGES TO THE CONDUCT OF ACTIVE DEBRIS REMOVAL AND ON-ORBIT SATELLITE SERVICING ACTIVITIES

Abstract

It is generally agreed that, in order to achieve long-term sustainability in the exploration and use of outer space, active debris removal and on-orbit satellite servicing activities must be pursued in addition to current and future debris mitigation efforts. The conduct of such activities, however, raises a number of legal and regulatory challenges both at the international and domestic levels. In fulfillment of the international obligation on States to authorize and continually supervise space activities carried out by their citizens and subjects (whether governmental or non-governmental), many spacefaring nations have enacted legislation and regulations that prescribe licensing requirements for space activities. Due to the increasingly widening variety of space applications and the different requirements for their governance, national legislative and regulatory regimes have typically addressed specific space applications such as telecommunications, remote sensing and scientific exploratory missions in a piecemeal, sectoral fashion. The absence in many spacefaring nations of comprehensive statutory and regulatory regimes under which new and emerging space applications may be subsumed creates difficulties and challenges that tend, among other things, to discourage private sector involvement in the conduct of such activities. This paper identifies, discusses and proposes solutions to a number of such difficulties and challenges that may likely arise at the national level in the context of active debris removal and on-orbit satellite servicing activities. The paper focuses on challenges envisaged in the: licensing and continued supervision of ADR/OOS missions; ownership, jurisdiction and control over space objects, particularly those that have been identified as targets for ADR/OOS missions and the impact of national export control restrictions; and, responsibility and liability.