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Legal Aspects of Space Debris Remediation (4)

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LONG-TERM SUSTAINABILITY OF SPACE ACTIVITIES VERSUS IMMINENT DANGER FROM
SPACE: IS SPACE LAW READY TO MEET THE CHALLENGE?

Abstract

The importance of the long-term sustainability of activities in outer space is evident and undoubted: the time is ripe to decide how to provide future generations an opportunity to explore space and face less danger than we do now. What needs to be done is the elimination of adverse consequences of the past and present space operations and provision for the long-term sustainability of space activities – otherwise cosmonautics of the future will be in real danger.

The unpredictable and mysterious outer space sends us warnings (like the notorious meteorite shower in Chelyabinsk) that we are still not ready to respond quickly and efficiently to such emergencies. Both natural and manmade objects can cause dramatic consequences both on Earth, to people's lives, health, property, and in space hindering normal space operations of satellites and the International Space Station.

At present international space law (ISL) does not directly address the problem of the long-term sustainability of space operations. General principles of the ISL, first of all free and non-discriminatory exploration and exploitation of outer space (Article I of the OST) and responsibility of states for all national space activities (Article VI of the OST), form a basis for further elaborations. So far the United Nations Committee on the Peaceful Uses of Outer Space (UN COPUOS) has adopted Space Debris Mitigation Guidelines as the first step of establishing a new regulatory regime of the long-term sustainability in space. At present further work is on-going under the auspices of the UN COPUOS aimed, inter alia, at the assessment of the effective national policies, regulatory regimes, standards and other efforts of states in this area, as well as close examination of experience and best practices of non-governmental entities actively participating in space activities, evaluation of urgent needs and ways to combat space threats – which will result in a set of guidelines for the long-term sustainability of space activities.

The work on the guidelines revealed major legal and political problems to be solved for the international space community to establish the global, transparent and stable space situational awareness system, whose guarantor shall be a corresponding international legal regime providing for the legal order and stability of space activities.