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Policy, Legal, Institutional and Economic Aspects of Space Debris Detection, Mitigation and Removal
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SPACE SALVAGE & NATIONAL EFFORTS: POLICY AND LAW IMPACTING THE VALIDITY OF CLEANING UP ORBITAL SPACE

Abstract

Of late, several novel solutions to the removal of space debris and other man-made objects have been proposed, developed, and in some instances tested. The international community recognizes the need to mitigate the proliferation of orbital debris, but on the whole has been much less vocal regarding cleaning up what is already littering orbital space. There are a multitude of legal and policy reasons for this reticence, and this presentation aims to suss out the major barriers of space salvage, and balance these with potential legal work-arounds to such challenges. In particular, the mandate of the IADC orbital debris rules provides an international commentary by national space agencies, each of which desire to continue successfully using the space environment. Further, the Outer Space Treaty (OST) enables States to operate freely in space, which could easily cover salvage operations meant to clean up debris. Further enhancing this permissibility is the environmental mandate of the OST's Article IX, which commands States to explore and use space without harmfully contaminating that realm. Yet, other challenges arise. The OST's article VIII is one such barrier, as it gives seemingly permanent ownership of space objects to States operating in space—even when they become useless space junk. Further, geopolitical and national security concerns make the wide-scale removal of debris politically untenable to some. This presentation will attempt to navigate the muddy waters of law, regulation, and policy to discern whether reasonable multilateral, bilateral, or domestic solutions for a cleaner, and more sustainable space environment can be found, and concludes that there are reasons to hope for success.