

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Remediation of Space Debris: A Fundamental Legal Challenge? (7)

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SPACE DEBRIS REMEDIATION BY ESTABLISHING A NEW CIVIL STRUCTURE AND
REGULATIONS FOR SPACE ACTIVITIES

Abstract

The increase of debris in outer space and particularly in orbits has seriously impeding the development of space activities of states because they are Jeopardizing safety of space activities in the outer space. Although the safety is the most important factor for the development of space activities, the UN space treaties (the five international space treaties) did not explicitly address the responsibility and of governments for providing necessary standards of safety including the mitigation of debris. Accordingly, the international space community has focused on the space debris problem in the past two decades through soft law such as space debris guidelines of COPUOS. Whereas the implementation of this guidelines in soft law is voluntary in nature, they cannot systematic apply. Remediation of the regulations through soft law, has not been able to effectively become sophisticated, due to the non-binding nature of these guidelines and the reluctance of developed states and developing states to apply them. Hence, the international community needs to be pragmatic in ensuring space safety and mitigation of space debris. At first an international space agency such as ICAO in civil aviation is required to ensure safety, by providing uniform law and regulations, and by Supervising their implementation by states. They have to express the responsibilities and obligations of the states. thereupon it is required to be approved the related national law and standards accord to international standards and to be established a national entity in every country to control their national space activities. Therefore, the mitigation of debris without the space traffic management will not be realized and the last cannot work without that the related international and national entities are established. Secondly, the related national and international regulations should only be included the state space activities and private sector space activities that imply in the framework of the business and commercial activities. These activities should be distinguished from non-commercial activities of states. Non-commercial activities of states should be included in military activities and general activities. They should be fall out of the scope of the space traffic management and international regulator organization, as the civil aviation regulations do not apply to state aircraft.