

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

Author: Mr. Anton Alberts
Parliament of the Republic of South Africa, South Africa

Dr. Peter Martinez
Secure World Foundation, United States

SUGGESTIONS FOR A FRAMEWORK FOR PROSPECTIVE LEGAL AND TECHNOLOGICAL
INTERVENTIONS WITH REGARD TO SPACE DEBRIS AS A PATH TO A RESOLUTION TO THE
PROBLEMATIQUE.

Abstract

The current international space law regime (referred to as the “First-Generation Space Law”) relating to space debris management, specifically mitigation and eradication, is still in formation despite the need to act urgently on this matter. As far as eradication is concerned, various ideas have been mooted to clean up space and some technologies are in development. On a practical level the only real and active initiative to deal with space debris lies on the plane of mitigation in the form of a non-binding soft law regime. There is no certainty that technology and the law will find solutions. This uncertainty is not acceptable as increasing space debris will eventually lead to a catastrophic event and the inhibition of future access to space. It is suggested that a technological framework that allows for the monitoring of current and prospective space debris removal technologies that enables the design of a framework law regime can bring more certainty to both the development of eradication technologies and the development of space law. This framework will be introduced as a path to the Second-Generation Space Law and legal certainty as it relates to space debris.