

Topics (T)
Interactive Presentations (IP)

Author: Mr. Vugar Mammadov
Azercosmos, Space Agency of Republic of Azerbaijan, Azerbaijan,
Vugar.Mammadovlegaldep@azercosmos.az

APPLICATION OF PRECAUTIONARY PRINCIPLE (PP) IN COMMERCIAL OUTER SPACE
ACTIVITIES: GAPS AND CHALLENGES IN INTERNATIONAL AND NATIONAL OUTER SPACE
LAWS AND POLICIES.

Abstract

Keywords: remote sensing satellites; international trade laws; voluntary export restraints; precautionary principle; national security versus environmental security. As we know, remote sensing satellites have an important role in determining the size of climate change all over the world, and as one of the civil/commercial remote sensing operators - "Azercosmos" has achieved certain success in this field. As technologies in remote sensing have been developing, and climate change has accelerated gradually, more investment, and more liberal trade rules become indispensable. Unfortunately, certain voluntary export restraints have been impeding the international transactions of satellite technologies which contradict the international soft law principles indicated in international environmental and outer space acts. The PP is a specific principle that should be analysed and promoted to mitigate export restraints to commercial satellite operators. The PP has two essential components in international environmental laws: scientific uncertainty and the potential for severe and irreparable harm. From the standpoint of private space activities, it is best understood in terms of the expansion of remote sensing satellite operations and the introduction of technology for removing space debris, both of which may have a positive impact on the reduction of space debris and boost awareness of the dangers of climate change on a global scale. In my view, international soft laws should encourage states to follow two major demands: there should be adequate reason for safety of the private outer space activities; and there should be adopted "appropriate means" to decrease probability of environmental accidents in outer space that may cause due to activities of states. Article 12 of Section I of the LTS stipulates that these guidelines promote preserving of outer space for peaceful exploration according to principles and norms of international law. This is needed because these activities may have implications for national security or defence. Implicitly, this provision calls for taking into account the precautionary principle, unless activity contradicts the exploitation of the space only for peaceful purposes. Nevertheless, the GATT, TRIPS and other certain international instruments also have emphasized security interests. In conclusion, finding a fair balance between the security interests of national states and environmental security which has emanated from harsh climate change should be one of the challenging targets of international and regional organizations. International soft and customary laws should stimulate the utilization of remote sensing satellites to determine the impact of climate change on humanity.