

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Recent Developments in Space Law with Particular Focus on Space Debris Remediation (7)

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PARIS MOVES TO SPACE: A PROPOSAL FOR A NEW INTERNATIONAL AGREEMENT TO
GOVERN SPACE DEBRIS AVOIDANCE AND REMEDIATION

Abstract

While outer space is by all accounts infinite, Earth's orbit is not – and it is becoming worryingly polluted. With mounting orbital congestion travelling at ultra-high speeds around the globe, the threat to our continued ability to benefit from space-derived technologies back on Earth is increasing by the day.

Thankfully, efforts have been made in recent years, on many levels, to identify solutions to this dilemma. These range from the development of numerous clean up technologies to the formation of intergovernmental bodies to co-ordinate efforts to deal with the issue. On the legal plane, a significant body of soft law has evolved over recent years, which has been embraced by the international legal community. This has included the adoption by COPUOS of the Space Debris Mitigation Guidelines in 2007 and, more recently in 2019, the Guidelines for the Long-Term Sustainability of Outer Space Activities (LTS Guidelines). In view of the fact that the international legal framework governing these issues is worryingly paucе, these initiatives have been of fundamental importance. In time, hopefully, many of these soft law instruments will come to form part of customary international law.

Soft law is, however, ultimately non-binding. Unfortunately, this will always limit its legal effect. In an industry where geopolitical forces are constantly at play, a more rigorous, legally binding instrument will surely be necessary as launch prices continue to decline, accessibility to orbit increases, and the resulting impact upon the space environment is felt with growing force. Here, we find ourselves in a similar position to the delegates of the UN Climate Change Conference held in Paris in 2015 (COP 21), which led to the conclusion of the infamous Paris Agreement. Representatives from all nations were present, divided by their differing political and commercial agendas but united by their common recognition of the immediate and urgent need to address the pressing issue of climate change. We are currently on the same footing with regard to the space environment. While COPUOS's annual meetings demonstrate that international consensus seems impossible to achieve, the Paris Agreement provides hope and a landmark model to follow; for the first time, a binding agreement brought all nations together to pledge to collectively work towards safeguarding the environment.

This paper considers how a similar international framework to the Paris Agreement might be achieved with respect to the space environment, including with regard to space debris avoidance and remediation.