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INTERGENERATIONAL JUSTICE AS AN INDISPENSABLE ELEMENT OF SUSTAINABLE LAW
OF OUTER SPACE

Abstract

Pursuant to the 1948 Universal Declaration of Human Rights, “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”. This serves as the basis of human rights not only for us who currently are alive but also for future generations.

In the context of international law on Earth – environmental law in particular – it is generally accepted today that also the future generations need to be respected. In the space sector, however, human rights have been discussed primarily in the context of intragenerational justice, i.e. the rights of currently existing humans to utilize outer space.

The constant technological development enabling small satellite missions, for instance, has significantly improved intragenerational justice by allowing space activities for a far more extensive amount of people. However, increasing utilization of outer space also increases the amount of space debris, thereby potentially significantly diminishing future opportunities for space activities - and hence the prospects of promoting intergenerational justice. This is crucial, given that intergenerational justice also is an essential aspect of long-term sustainability which is a focal objective of the UNCOPUOS.

This presentation is based on examination of the elements of the law of outer space that may help to improve intergenerational justice in the space sector. In space activities, inequity has always existed in various ways but jeopardizing the ability of future generations to meet their needs is a particularly severe breach of human solidarity, as our dependence on the use of outer space is only constantly increasing.

For instance, more than half of the essential climate variables contributing to the characterization of our climate can only be measured reliably from space (UNOOSA/2021/AnnualReport). The worst scenario is that we have not only significantly deteriorated the living conditions of future generations but also severely hamper them from developing resilience to the climate change impacts. This is unfair and even illegal. The UN Human Rights Council recognized in 2021 (RES48/13) the “right to a clean, healthy and sustainable environment as a human right that is important for the enjoyment of human rights” and “related to existing international law”.

Accordingly, our obligation to provide opportunities for space activities for future generations is indispensable both from the point of view of sustainability and human rights – and the law of outer space must also serve this purpose.