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ADDRESSING THE LEGAL GAP OF RESPONSIBILITY OF NON-STATE ACTORS FOR SPACE
POLLUTION

Abstract

Human activity in outer space brings with it numerous benefits for our societies, but also results in an increased risk of harmful debris and other forms of pollution of outer space environment. When analyzing the current regulatory framework governing space activities, there is a striking legal gap regarding the responsibility of non-state actors (NSAs) for space pollution. This is a growing concern, as space pollution poses a severe risk to both the Earth and outer space environments, health and life of humans, sustainability and future of space activities. In recent decades, NSAs involvement in outer space drastically increased and has since come to make-up the majority of global space endeavors. However, the traditionally state-centric instruments of international space law and relevant regional and national regulatory frameworks do not wholly and effectively address this threat. This is so for numerous reasons, including the lack of clarity and concretization of norms as well as the lack of effective enforcement mechanisms. Against that backdrop, this presentation will address: (1) the existence of a prohibition of space pollution and (2) the responsibility of the NSAs for causing it. Based on their forthcoming book (*Lex Ad Astra: Non-State Actor Accountability for Space Pollution*, Brill 2024), the authors aim to, firstly, illustrate the legal gap(s) in the current corpus of international law with regard to NSAs' responsibility for space pollution. Secondly, they will demonstrate possible ways of establishing such responsibility through variety of alternative mechanisms, including international space law, along with other branches of international law such as environmental law, humanitarian law, and human rights law. Thirdly, the authors will present an overview of current regional and national space legislation and outline the emerging trends thereof. Lastly, they will propose three possible ways of further strengthening of legal framework in order to become able to fully respond to the emerging involvement of NSAs in space, namely: (1) Retrenchment (2) Re-interpretation and (3) Reform. In the light of the fact that several NSAs are currently competing for a leading role in the space sector, as well as their ambitious plans of engaging in space resources exploitation, space tourism, space settlement, terraforming of Mars and the plans of increasing the number of satellite launches, determining the way forward for the development of appropriate legal framework, including alternative rules setting is essential, and perhaps the only way to prevent space pollution on levels that would become catastrophic for humankind.