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WHOSE MESS IS IT ANYWAY? REGULATING THE ENVIRONMENTAL CONSEQUENCES OF
COMMERCIAL LAUNCH ACTIVITIES

Abstract

The existing body of international space law does not provide a comprehensive legal framework for the protection of the environment of space, nor does it specify rigorous environmental standards in relation to the conduct of space activities. Moreover, even the rather general obligations relating to environmental aspects of the exploration and use of outer space that are found in the United Nations Space Treaties are not particularly appropriate to, or directed towards launch activities. Although the Outer Space Treaty does provide for 'international law' to also apply to 'activities in the exploration and use of outer space', it is not entirely clear how readily these principles can be directly applied to the unique characteristics of space activities. To further complicate matters, many launches are now undertaken by non-governmental commercial entities, which are not per se bound by the United Nations Space Treaties, but rather are subject to the provisions negotiated in commercial launch service contracts.

This paper will consider both the public international law and private international law elements that may be relevant to the environmental considerations associated with launching, and will offer some suggestions as to how these should be strengthened, in terms of both treaty and national laws, and also at the commercial contract level.