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SPACE DEBRIS AS A 'SINGLE ITEM FOR DISCUSSION'

Abstract

Among the major threats to space security today the general opinion concurs that space debris is on the top of the list, together with the need to prevent an arms race in space and the presence of natural near-Earth objects (NEOs), such as asteroids and meteorites, entailing a risk of collision with planet Earth. All three issues are a serious challenge from the legal standpoint.

Whether there is a hierarchical order among the above-listed threats is outside the scope of this paper. The idea is, rather, to give an undivided look at space debris and its legal sides which call for treatment in the short term as an increasing risk for space security. The wreckage of Iridium 33 and Cosmos 2251 in February 2009 has shown the way. Moreover, in addition to active satellites and abandoned or inactive satellites orbiting the Earth, minute particles known as 'second generation debris', originating from collisions between space objects, are a serious risk of impact on active satellites, sometimes with untold consequences. They travel at extremely high speeds and there are currently tens of thousands of those pieces in outer space.

The importance of the topic being currently on the agenda of the LSC should not be overlooked. The responses of space-faring countries on their national mitigation measures seem to indicate that this is a step forward towards clearer regulation.

Nevertheless, one cannot escape the fact that the COPUOS Guidelines on Space Debris Mitigation are not binding and that they would only be applied on a voluntary basis. Furthermore, it is a matter of concern that these Guidelines were developed with no intervention whatsoever of the LSC and that they were not adopted by consensus at the UNGA (A/RES/62/217).

This paper explores the state-of-the-art in light of the current mitigation measures. It includes an evaluation of the effectiveness -over the span of four years- of the afore-mentioned UNGA Resolution. The objective is to determine whether, in the current world scenarios, it should be supplemented by more stringent rules on the governmental front.