

54TH IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Environmental Aspects of Space Law and of Space Activities (4)

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DOES OUTER SPACE HAVE A RIGHT TO BE PROTECTED?

Abstract

Environmental considerations increasingly factor in human endeavors, but international initiatives' can be viewed as a mechanism to curb development. None the less, as the number of actors in space continues to rise, international regulation which considers liability for environmental damage will be become inevitable, with breaches thereof expected. The space liability regime currently has a limited capacity to ensure the availability of funds to remedy environmental impacts of space activity. The moral and philosophical justification for environmental protection is analyzed in relation to the space environment and the paper situates protection of the space environment as an issue of environmental concern arguing that though it need not be protected for its own intrinsic value due to its hostile nature, it is a medium that requires protection to guarantee its continued usability. The paper seeks to balance the anthropocentric right to development, with the concept of protection of the space environment by analyzing existing legal and voluntary measures to control, reduce or eliminate causes of environmental damage and the measures in place to encourage preservation and rational use of the space environment. The unsuitability of the current outer space liability regime to deal with environmental damage caused by an increase in space actors and space activities is highlighted and is compared with existing environmental law liability regimes. The paper concludes with a proposal for the a more environmentally conscious space liability regime.