

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Space Sustainability (4)

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HOW DO WE LEGISLATE FOR SPACE SUSTAINABILITY WITHOUT INTERNATIONAL
COOPERATION?

Abstract

After around 60 years of space exploration sustainability has come to the forefront of international efforts. The United Nations Sustainable Development Goals outline the global aims to reduce, reuse and recycle in order to mitigate some of the effects of human activity on the environment both on Earth and beyond. Since the very beginning of the space era planetary protection mechanisms have been put in place to ensure that earthly bacteria and biological material don't reach the virgin landscapes of other celestial bodies. More recently, private companies launched a range of projects tackling the rising issue of space debris and governments adopted new space strategies and plans to decrease the human impact on pollution in Earth's orbit. Whilst space sustainability is an undeniable priority for humanity due to the strategic importance of space infrastructure, how does one ensure the implementation of much needed measures if international cooperation is staggering? For the past 30 years the space industry has benefited from ongoing cooperation on all levels leading to an exponential increase in New Space ventures relying on multigovernmental infrastructure or legal framework to flourish. Whilst sovereign states are free to enact their own legislation tackling sustainability issues, arguably none of them would be truly meaningful if the mechanisms don't have the support of the global community. This paper aims to answer the question of legislation in the case of discontinued international cooperation through historical parallels with the legislative process during the Cold War era, taking into account the recent developments of space sustainability and analysis of the current situation in the industry through the eyes of the law maker. Drawing experience from other industries and taking into account the fact that humanity has already accumulated a high number of debris orbiting the planet, the paper will recommend potential measures and regimes to alleviate the burden on technology makers and address the ongoing problems with space sustainability. Finally, the paper will reflect on the practicality of any legislation enacted internationally in the context of the current political situation.