Legal Perspectives on Orbital Debris Management

Agenda Item 11

National Space Society
Pillars of Orbital Debris Management

• Space Situational Awareness (SSA)
• Space Traffic Management (STM) (i.e. norms of responsible behavior)
• Mitigation
• Remediation
• On-Orbit Recycling
Active Debris Removal - Legal Challenges

• Article VIII of the Outer Space Treaty
  • A State Party to the Treaty on whose registry an object launched into outer space is carried shall retain **jurisdiction and control** over such object, and over any personnel thereof, while in outer space or on a celestial body. **Ownership** of objects launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, is not affected by their presence in outer space or on a celestial body or by their return to the Earth...
  • [and Article I & II of the Registration Convention]
Legal Framework Outline - Step One

• State Sovereignty Issues
  • Identified State of Registry → express consent
  • Unidentified State of Registry → implied consent?

• Debris Capture Entity
Legal Framework Outline - Step Two

• Ownership Issues
  • Law of Finds Doctrine applies here
    • Abandonment and thus capture
  • Law of Salvage Doctrine incompatible
Policy Considerations as Supplemental Solutions

• Debris Risk Index
  • Catalogue & rank all options for active debris removal

• International Active Debris Removal Guidelines
  • ITU- and IADC- published remediation guidelines

• Space Sustainability Ratings
  • STM norm cascading through a defined sustainability rating

• Protection and Indemnity Insurance Clubs (P&I Clubs)
  • Risk pooling for cheaper & wider liability coverage