# CHAPTER V CONCLUSION AND RECOMMENDATION

## V.1 CONCLUSION

There are still no clear international laws regarding satellite constellations' risk of liabilities, including space debris that might occur by the impact/collision between their own satellites. Achieving a satellite constellation requires a very large number of satellites in the same orbital position with a crisscrossing pattern with each other, resulting in congesting low earth orbit, as well as potentially creating lots of uncontrolled space debris that will be hazardous to other spacecraft. Even though there is technology to support the required risk mitigation measures, the risk is still there.

Currently, private companies like SpaceX which holds the majority of low earth orbit satellites face no apparent international legal issue in the operation of Starlink. The Liability Convention does not cover damages inflicted on their own, including the space debris that forms because of the collision. If a collision does occur between two Starlink satellites, the space debris should be included in fault liability (because it happened in outer space) but because there is no international element involved, the liability convention cannot be used. Also in the liability convention, it is interpreted that "damage" is only "direct damage", so that other countries that feel they have been harmed by the collision of the satellite constellation (indirect damage) cannot file a claim.

Apart from SpaceX's own voluntary responsibility to clean up space debris that has arisen, which is very difficult to achieve, there is no legal obligation that forces SpaceX to take responsibility. This space debris however can be interpreted by Article IX of the Outer Space Treaty as harmful interference towards another state that would like to use outer space, but yet again, there are no international laws to enforce this. There should be a clearer international agreement regarding Low Earth Orbit.

As such, states as well as private companies currently face no international legal consequences if damage occurs to their spacecraft by another spacecraft that is theirs. Different from the concept of space debris caused by an anti-satellite weapon (ASAT), which clearly violates the basic principles of the Outer Space Treaty regarding the peaceful uses of outer space, the collision of this satellite constellation does not violate any basic principles of the international space law but have a unique legal issue that must be addressed as well as enforced, to ensure the longevity of outer space exploration.

#### **V.2 RECOMMENDATION**

The technology in satellite systems is advancing fast, resulting in the number of satellites in orbit will grow exponentially in the upcoming years. As found in this writing, there are several legal vacuums in the space law regime. This includes claims toward space debris, liabilities towards space debris caused by a single launching state, and the risk mitigation of space debris on an international legal basis.

The international community consisting of lawmakers, politicians, diplomats, astronomers, physicists, and engineers that truly understand this matter must come together to fill this gap in law so our orbit won't be littered with space debris in the future. We cannot rely on space-faring entities whether it is governmental or private-owned to voluntarily prevent space debris from happening. Added to the equation is the deployment of satellite constellations filling our orbit, which made the chances of space debris forming grow higher. There must be cost-saving measures in the future as the technology becomes mainstream for the operation of satellites, and that may sacrifice the safety of the satellite's operation in orbit.

In that case, the only option for the international community to keep the risk of space debris from hindering our space exploration and activities in the future is to create an international law that will prevent it from happening in the first place. This can be in a form of a convention, treaty, or any other international agreement form that was supported and signed by as many countries as possible. The current space treaties in my opinion are obsolete and unable to fulfill keep up with the modern space activities complications, dating back to 1967 when at that time the current modern space technologies are simply unimaginable.

We need an update on international space law as soon as possible before any major incidents happened in space. Furthermore, we do not have the necessary international law to handle the case mentioned, because the Liability Convention doesn't have the necessary clauses to handle these new legal complications. UNCOPUOS with the help of ITU must initiate new international agreements relating to space debris. ITU has the data regarding satellite placements and space debris locations, and UNCOPUOS has the legal standing in cooperating new international agreement about space debris in Low Earth Orbit. As such, a new international agreement made by nations with the main interest in keeping space clean will result in the continuity of space exploration. In doing so, our future generations to come will have a clean space environment, specifically earth's orbit without space debris littering the orbit, ensuring safe space activity. The advocation awareness of space law to the general public is also necessary to be done, because this topic is relatively unheard of to many people, and with that governments do not have the urge to develop a legal basis on this matter.

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# **International Legal Instruments**

2222(XXI). Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies
2777(XXVI). Convention on International Liability for Damage Caused by Space Objects
3235(XXIX). Convention on Registration of Objects Launched into Outer Space
Convention of the European Space Agency, ref. CSE/CS/73/19, rev. 7.
Convention on International Civil Aviation - Doc 7300
General Assembly resolution 1962 (XVIII) of 13 December 1963. Declaration of Legal Principles Governing the Activities of States in the Exploration and Uses of Outer Space
Resolution Adopted by The General Assembly 37/92. Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting Resolution Adopted by The General Assembly 51/122. Declaration on International Cooperation in the Exploration and Use of Outer Space for the

Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries