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GLOBAL COMMERCE, CLIMATE CHANGE, AND OUTER SPACE

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Abstract

In this Article, I argue that the current international legal framework is not designed for, and does not contemplate the novel forms of non-human agency, such as the greenhouse gases, the changes in our spacetime and the addition of orbital space. With focus on the case of the Arctic and outer space, the Article contrasts current calls for increased commercialization of these increasingly accessible spaces, with environmental degradation. The identified pillars of international law, sovereignty, jurisdiction, territory, and property form a two-dimensional framework for governance, which does not apply in the multidimensional context of climate change and orbital space. Increase in greenhouse gas emissions and orbital debris are non-human processes, albeit caused by humans, and have capacity to negatively affect both human and non-human life. A contextual reading and a no exhaustive analysis of the international legal frameworks currently governing the Arctic and outer space, reveals that they are not structured to generate sufficient mechanisms to questions of global warming and orbital space debris. Rather, the institutional architecture is better equipped to support individual State and commercial interests.