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LIABILITY FOR INDIRECT DAMAGE CAUSED BY SPACE OBJECTS ON EARTH

Abstract

The exploration and use of outer space has been accompanied by concern over the potential damage caused by space objects in space and on the surface of the Earth, the “Cosmos 954” accident being an example of the latter. For imputation of liability, fault liability and strict liability constitute the system of dual-liability structure. According to the 1972 Liability Convention, fault liability is applicable to damages done in outer space while strict liability applies to damages done on the surface of the Earth. However, it is not clear whether indirect damages falls within the scope of the damage in the existing space law.

The purpose of this article is to examine the application of the current liability regime to indirect damages caused by space objects to the surface of the Earth, and make recommendations to assist if the current regime is inadequate for the purpose. Section 1 briefly introduces the current situation of indirect damages done by space objects on the Earth and then discusses the definition of damage in international space law. Section 2 studies the liability forms for indirect damages caused by space objects on earth within the existing space law framework, especially the causal links between indirect damages and the liability. Section 3 discusses how to perfect the system of space law, particularly in how to take the liability for indirect damages caused by space objects and how to settle disputes on such problems.