

IAF SYMPOSIUM ON SECURITY, STABILITY AND SUSTAINABILITY OF SPACE ACTIVITIES
(E9)Policy, Legal, Institutional, Economic and Security Aspects of Debris Mitigation, Debris Remediation and
STM (1-A6.8)Author: Prof. Katarzyna Malinowska
Kozminski University, PolandMr. Bartosz Malinowski
Polish Academy of Sciences - Space Research Centre, Poland
Ms. Kaja Hopej
HungaryCOMPENSATION VERSUS PREVENTION. QUO VADIS SPACE LIABILITY REGIME? MATRIX OF
SPACE, ENVIRONMENT AND INSURANCE LAWS.**Abstract**

Thousands of pages have been written on the advantages, disadvantages, deficiencies, or gaps in the space liability regime as regulated in the Liability Convention. The dynamics of both geopolitical, legal, economic, and natural changes make it necessary to revise our approach again and again. The most pertinent issue is the pollution of outer space which increases the risks of material damage, but can also be perceived as damage per se (in the space environment). We are also all aware that the actual loss caused by a space object, firstly, can be of catastrophic proportions, and secondly, can negatively affect the public's acceptance of risk-taking in space activities for a long period of time. Such a negative scenario contradicts hopes for sustainable space exploration. The goal of this paper is the analysis of the existing liability regime in the context of the sustainability of outer space exploration. Specifically, the author intends to consider the approach of the space legislation (international and national) to the prevention of damage. This important trend of managing the risk related to sustainable development has been present for some time in other fields of law and tends to change a focus from a 'just' compensatory nature of the liability regime to prevention and liability for precautionary actions. This means inter alia, introducing legal measures not just after the damage has actually occurred but also in case there is an imminent threat of the damage (eg. caused by uncontrolled re-entry). The prevention approach very firmly resounds in environmental law. There are clear provisions for that purpose included in international, national, and EU law as to the obligations to take preventive action before the damage occurs and the consequences of omitting them. The paper shall examine whether the content of space treaties sufficiently allows the application of the principle of prevention and precaution, or whether it is present in other space regulations, and if not, what direction such regulations could take in order for the prevention to have a chance to contribute to sustainable development. To this end, a comparative method will be used on several levels: a comparison of different jurisdictions within space law, as well as a comparison between different branches of law, including environmental and insurance law, and the practice present in these sectors. What can we learn and apply in the space sector?