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APPLICABILITY OF RESCUE AND RETURN PROVISIONS UNDER THE OUTER SPACE TREATY  
AND THE RESCUE AND RETURN AGREEMENT TO 'ASTRONAUTS' AND 'PERSONNEL'  
STRANDED IN OUTER SPACE**Abstract**

Academicians may disagree with respect to whether Article V of the outer space treaty requires States Parties to render assistance in search and rescue efforts to retrieve astronauts stranded in outer space. At least one esteemed authority supports such a construction of Article V, where such efforts are 'possible'. In contrast, there seems to be a clear and consistent agreement amongst scholars and commentators that, due to the inclusion of the term 'alighted' in Article 3 of the return and rescue agreement (RRA), a spacecraft must have landed in order for the personnel on board to become the beneficiaries of the affirmative duties to "if necessary, extend assistance" conferred by Article 3 upon States Parties to the RRA. However, this author posits that use of the term 'alighted' in Article 3 introduces ambiguity and confusion as to the intended ordinary meaning of the term at the time the RRA was concluded. Although most analyses of Article 3 provided to date rely upon an interpretation of 'alighted' with respect to the indicated spacecraft, a clear reading of the grammar and linguistic construction employed in Article 3 shows that the term 'alighted' must refer to an action required of the 'personnel of a spacecraft' rather than an action required of such spacecraft itself. Further, the analysis provided herein will show that regardless of which primary definition, respectively regarding the indicated spacecraft or the personnel thereof, is interpreted as the intended ordinary meaning for the term 'alighted' it will result in manifestly absurd consequences. Furthermore, recourse to the *travaux préparatoires* and a possible alternative, expanded definition for the term 'alighted' will be explored. Finally, adoption by the space law community of an accepted definition for the term 'alighted' that is sufficiently broad to achieve a consistent unification of the language and intended consequences for Article 3 of the RRA is urged.