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Legal Aspects of Space Debris Remediation (4)

Author: Dr. Hamid Kazemi
Iran

Dr. Ali Akbar Golroo
Aerospace Research Institute, Iran

Dr. Hadi Mahmoudi
Aerospace Research Institute (member at IISL), Iran

LIABILITY FOR SPACE DEBRIS IN THE FRAMEWORK OF PRIVATE INTERNATIONAL SPACE
LAW

Abstract

Space debris is considered by many to be the most prominent issue in the arena of outer space security and safety. With increasing damages caused by space debris, the liability for them has become an important issue during the past years, and it seems it would put an enormous obstacle in front of the international community in the future. According to international space liability regime, the launching state is liable for damages caused by space objects. However, increasing damages caused by space debris has challenged the space regime. For example, one of the issues of space debris in general is finding a suitable definition. There is debate about the definition of “space object” in the context of both these treaties in that it is vague as to its meaning. Hence, the implications of legal liability and the resultant financial responsibility makes a definition of space debris a difficult one, especially if that definition is one designed to attach liability to begin with. Has the regime which was based on general international law been successful in compensation caused by space debris? Purpose of this essay is to attempt to identify and briefly discuss compensation should be regulated in the framework of private international law rather than general international law. In this paper, the author tries to investigate challenges of the current space liability regime to space debris, and show that the current international regime is inadequate for determining liability and to indicate that how settle this problem through private international law.