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REFLECTIONS ON THE INTERNATIONAL LEGAL FRAMEWORK GOVERNING RE-ENTRY OF
SPACE OBJECTS

Abstract

China's first space station, Tiangong-1, is returning to earth after more than six years in space. This is not an isolated event and some of the previous returns are Cosmos 854 in 1978, Skylab in 1979, the Delta II second stage in 1997, MIR Space Station in 2001, the Italian BeppoSax in 2003, the interception of US-193 in 2008, and ESA's GOCE in 2013. In light of these events and the inevitably increasing frequency of crash landings, it is timely to reflect the legal framework governing re-entry of space objects. The state obligations with regard to re-entry of the space objects can be summarized as preventative ex ante and responsible ex post in nature. The state practice so far are largely uneven and there are uncertainty and controversy over the obligations to notify and forewarn hazardous events, the requirements to mitigate debris, to disclose information for facilitating damage control and cleanup operation, to compensate the damages, and to return the objects. This requires adjustment and fine-tuning of some critical notions in the space conventions and other legal documents, particularly, jurisdiction and control of space objects, applicability of precautionary principles in space sector, due regard and corresponding interest, victim-oriented, definition and determination of damages, and state responsibility for hazardous activities.