

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Remediation of Space Debris: A Fundamental Legal Challenge? (7)

Author: Mrs. Mihoko Shintani
Japan Aerospace Exploration Agency (JAXA), Japan

PROPOSAL OF GOVERNMENTAL COMPENSATION FOR DAMAGES IN ORBITAL ACTIVITIES
ESPECIALLY FOR SPACE DEBRIS REMOVAL

Abstract

My paper advocates for the creation of a legal policy aimed at accelerating the initiation of the “Space Debris Removal Business” as quickly as possible. This policy is focused on government compensation for situations where the damage in outer space exceeds an insured amount. The policy will cover any damage derived from active orbital services, including Space Debris Removal.

There is a common understanding across the globe that Space Debris Remediation is becoming necessary to keep space activities safe and sustainable. It would be ideal if a core set of laws were applicable to all nations. However, because Space Debris is increasing rapidly, we cannot wait for the formulation of international standards.

Therefore, I would like to propose a measure to minimize the barrier of entry into “Space Debris Removal Business” which features a compulsory insurance and governmental compensation system (by referring the system in the field of rocket launch) to encourage private companies to conduct Space Debris Removal as a part of their core businesses.

In reality, we can speculate that Debris Remediation, such as 1) the removal of broken satellites from mega constellations at the request of a constellation operators and 2) the voluntary collection of the upper stages of launch vehicles in outer space, will not become an issue in terms of International Law.

To implement this policy, I am considering legislative action, which may have the following features. I assume each proposal can be introduced by applying the law of each respective nation.

@ Limitation of a range of orbital activities subject to compulsory insurance and governmental compensation

@ Introduction of a mission licensing system operated by the government

@ Exemptions from responsibility regarding Space Debris Removal by consent

@ Identification of the extent of the damage arose in outer space

@ Compulsory insurance and government compensation contracts

To sum up, until the moment an international rule is established, each country should proceed in haste to implement legislation for the purpose of eliminating space debris. As industrial technologies develop, I expect to see more nations voluntarily remove broken satellites as well as upper stages of rockets that they themselves launched. I hope to support a burgeoning international debate on this issue.