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SPACEFLIGHT ACCIDENT INVESTIGATION: THE NEED FOR CLARITY BEFORE AND AFTER
A CATASTROPHE

Abstract

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Currently, there are no international treaties or agreements relating to the investigation of spaceflight accidents. As the rate of commercial space launches and reentries continues to increase, the risk of a catastrophic commercial spaceflight accident will also inevitably increase. The rising number of multinational crews in commercial spaceflight missions is revealing the need for an agreement that clearly establishes the rights and obligations of certain state parties when leading or participating in a spaceflight accident investigation.

This paper argues that an international agreement is needed to clarify the types of rights and obligations state parties should have, as well as the types of procedures state parties should follow in spaceflight accident investigations. In short, this paper is arguing that an international agreement on spaceflight accident investigation similar to, but different than, Annex 13 of the Chicago Convention is needed.

To do so, this paper will review the strong role that Annex 13 has played in shaping national and international investigations of aviation accidents. In particular, it will look to see which of its provisions are most suitable and transferrable to spaceflight investigations. Then, the paper will discuss the unique features and challenges a space-based Annex 13 could have, such as U.S. export control policies and the expertise of commercial space operators. Lastly, the paper will analyze some of the commercial, legal, and policy benefits that a clear space-based Annex 13 could provide before, during, and after a catastrophic spaceflight accident.

Based on the analysis presented in this work, it is advisable that the international community work towards creating an agreement on the investigation of spaceflight accidents.