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SOME ISSUES ON INTERNATIONAL DISPUTE SETTLEMENT OF SPACE DEBRIS

Abstract

In recent years, with the increase of space debris, the risk of space activities also increase, and the impact of space debris to spacecrafts and causing the damage of the latter have occurred, such as in February 2009 the crash between U.S. and Russian satellites led U.S. satellite fail to work in a certain period of time; space debris can also lead the astronauts of manned space flight to be at risk, while it will also result in the ground casualties or property damage. Looking ahead, the international disputes of claims for the spacecrafts damage and casualties caused by space debris may be increasing.

Refer to the issues of space debris, from the legal perspective it should apply the general principles of international space law, especially the relevant clauses of the "Outer Space Treaty," "Liability Convention" and the "Registration Convention". For the prevention and mitigation of space debris, recently there are a series of efforts, from the government perspective, IADC (2003) and UNCOPOUS (2007) adopted their respective Space Debris Mitigation Guidelines with soft law nature; countries also have done some work or are through domestic mechanisms to prevent and mitigate space debris, in order to implement the two Guidelines. However, with regard to the environment, personal or property damage liability and compensation issues resulted from space debris, the international community has not yet formulated specific international norms.

Non-governmental organizations and relevant experts have made valuable efforts in this regard. For example, ILA has adopted in 1994 the Buenos Aires International Instrument on the Protection of the Environment Damage Caused by Space Debris, ILA has also adopted a draft instrument on space dispute settlement; in 2007 Thierry J. Senechal and others have also drafted "The Draft Convention on Space Debris", which put forward a series of ideas about environmental pollution liability caused by space debris and dispute settlement. But concerning the responsibilities and liabilities caused by space debris and its related dispute resolution, there are still no specific legal norms.

After the analysis of general legal issues of space debris, especially the relationship between space objects of space debris, the paper will focus on international liability for damage caused by space debris, as well as study the status and the future development of dispute resolution of claims concerning damages caused by space debris.