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Political, Legal, Institutional and Economic Aspects of Space Debris Mitigation and Removal - STM
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USING THE RETURN AND RESCUE AGREEMENT TO CREATE A FRAMEWORK FOR AN
INTERNATIONAL STATE REQUESTED ACTIVE DEBRIS REMOVAL MISSION

Abstract

Currently, there is a focus on the ambiguity and the problems of the space treaty system, yet there exist solutions offered by the treaties that have value in consideration. The drafters left articles intentionally vague to allow for technological advancement. The flexibility in the obligations were balanced with fixed responsibilities and liabilities that must remain constant to achieve the objects and purposes of the treaties. The construction of the treaties present solutions to modern day problems facing the global space industry.

One of the biggest crises facing the global space industry is the threat of space debris. In order to solve the issue of space debris, we must engage in mitigation (prevention) and remediation (cure). Mitigation efforts are under way as evidence through the United Nations Committee on the Peaceful Uses of Outer Space (UN COPUOS) debris mitigation guidelines and domestic regulatory efforts. Remediation, however, poses a more difficult legal challenge due to uncertainties regarding ownership and liability. Active Debris Removal (ADR) efforts are an essential part of solving the space debris crisis, but are unlikely to become commonplace until the legal ambiguities associated with it are solved.

This paper will focus on the liability solutions that exists in the current international legal regime related to ADR. Article V of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (The Return and Rescue Agreement), in particular, lays out the groundwork for the rights, obligations, and economic structure of an international ADR mission requested by the State who owns the removable object. Article V creates a workable framework for State-requested ADR that can be built upon for more complex missions and liability scenarios. Further, Article V mandates international cooperation regarding requests for the return of space objects. Building upon clear treaty obligations is more efficient than building upon a clean slate approach. This paper assesses the ability of States to use the existing framework in Article V of the Return and Rescue Agreement as a starting point for agreements and regulations for international ADR missions to aid in solving the space debris crisis facing the global space industry.