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THE ROLE OF ICAO IN ENSURING HUMAN SPACEFLIGHT SAFETY

Abstract

The safety of spaceflight is crucial for the initiation and operation of human space travel. If “the safety of all human beings in the global commons of space is a responsibility that must be shared by all space-faring powers”, as a former NASA Associated Administrator SMA posited in 1989, then the question arises, how to achieve uniform safety standards, rules and procedures for human spaceflight which will essentially be an international activity. This paper critically analyses the key provisions of the 1944 Convention on International Civil Aviation (including its relevant Annexes) and the functioning of the International Civil Aviation Organization (ICAO) created under the Convention with a view to see if they can be extended to initiate and manage regulatory and safety issues for civil and commercial human spaceflight. This paper recommends that initially relevant ICAO Annexes (containing detailed rules, regulations, guidelines, and operational procedures) should be gradually extended to cover human spaceflight, with the necessary modifications adopted by the ICAO Council, in order to address issues such as, inter alia, licensing of spaceports, space traffic management, safety of personnel and astronauts, and security. The recommended action to be taken by ICAO is much easier and speedier than making amendments to the Chicago Convention. Such amendments are not necessary at this stage and could be undertaken when the need arises.