

SYMPOSIUM ON COMMERCIAL SPACEFLIGHT SAFETY ISSUES (D6)  
Commercial Spaceflight Safety and Emerging Issues (1)

Author: Prof. Diane Howard  
McGill University, United States, diane.howard814@gmail.com

Mr. Stephan Eriksson  
Advokaterna Liman & Partners AB, Sweden, stephan.eriksson@limanpartners.se

A TALE OF TWO FORA: A STUDY OF LIABILITY LIMITATION AND DAMAGES FOR  
SPACEFLIGHT PARTICIPANTS IN TWO JURISDICTIONS

**Abstract**

As we get closer to the day when spaceflight participants will be accessing space on a regular and consistent basis, a different potential for accidents, harm to a passenger, increases than that which is already a reality in space activities. Using a commercial suborbital launch involving spaceflight participants for a case study of the effects of an accident, the paper provides a comparative analysis of the effects of damages and liability limitation of hazardous activities in two jurisdictions currently positioned for commercial human spaceflight: Sweden and the US. Issues to be explored include the actual status of the vehicle (space object or aircraft), and which legal regime is implicated – whether space or aviation - from both a spatialist and a functionalist perspective. The paper is written with the intention of providing some guidance to actual commercial space actors as opposed to the legal community.