

55th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Recent Developments in Space Law (5)

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LEGAL ISSUES RELATED TO THIRD PARTY LIABILITY INSURANCE AT REALIZATION OF
THE AIR LAUNCH CONCEPT

Abstract

It is a statutory requirement, that a launching State shall be liable to pay compensation through obtaining third party liability insurance to cover damage to life, personal injury, loss of or damage to property of the third countries, their natural or juridical or property of international intergovernmental organizations caused by its space objects on the surface of the Earth or to aircraft in flight. It is also generally known, once two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused. However what would be a mechanism of the liability and covering the damage, should direct participants of the launching are entities, commercial companies, for example as it is in the Polet Air Launch Project, but not State Agencies or international intergovernmental organization conducting space activities.

What would be a mechanism of third party liability insurance and the damage compensation, if it takes place (1) at pre-launching stage on ground at the launch Airfield, (2) at stage of delivery of a space object or the Aerospace launch System as it is in the Polet Air Launch Project with An-124-100 Aircraft as launch vehicle on the launching zone in air, (3) at the stage of the launching the space object from the launching zone in a appropriate orbit. Which Law (National Air Law, Space International Law, etc.) would be applicable and governed by at every situation as above.

By which way would be allocated responsibility in case of the damage caused by the Aerospace launch System between each participant of Air Launch, which (1) launches, (2) procures the launching of a space object, (3) participant from whose territory or (4) facility a space object is launched, (5) the space object's owners. Is there any need for the participants of the joint launching before the launching to enter into an agreement regarding the apportioning among themselves of the financial obligation, including expenses for coverage of the insurance in respect of which the participants are jointly and severally liable for the damage.

These are issues which are offered by authors to discuss in order to take a shot at elaboration of an effective procedures concerning liability of the Air Launch's participants for damage caused by space objects and to ensure compensation to victims of the damage.