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LEGAL FRAMEWORK FOR SPACE TOURISM ACTIVITIES

Abstract

Space tourism activities have been gaining momentum over the past few years and generating public interest in human suborbital flights. American tourist Anousheh Ansari paid 20 million dollars for a trip to the International Space Station. Space Adventures, the Virginia-based company, has sent seven tourists so far to the International Space Station and has entered into a contract for a tourist trip to the moon. Virgin Galactic's SpaceShipTwo aboard its mothership WhiteKnightTwo is designed to carry passengers to an altitude commonly known as the 'edge of space'. Other companies such as XCOR Aerospace, Blue Origin, Armadillo Aerospace are also developing similar technologies. With the expansion of the space tourism industry, the prices of these trips are expected to decline. It is important to note that technological breakthroughs in the space tourism industry will also have significant impacts on NASA's Commercial Crew Development program.

The scope of this paper will be restricted to the legal aspects concerning suborbital flights by privately funded and/or privately operated vehicles and the associated technology development driven by the space tourism market. This paper will essentially review the existing framework of the international law of outer space to understand the specific areas of legal uncertainty that space tourism activities may give rise to. The existing corpus of space law represents an important base from which to develop the legal tools to properly regulate this next stage of space activities.

The paper will also analyse the notion of 'launching state(s)' with reference to space tourism and its role in exercising jurisdiction and control over that activity. It will examine the attribution of international responsibility and liability to the 'launching state(s)' for activities carried out by the private enterprises.

The Mexican legislation, Space Flight Informed Consent Act, which cripples lawsuits brought against space tourism operators by surviving members of an injured or a dead space tourist has served as a major boost to the industry operating out of the spaceport in New Mexico. In the light of that, other important legal aspects such as insurance, passenger informed consent, risk liability and the necessity of dedicated regulations at the international and national levels will also be discussed.