

SPACE TRANSPORTATION SOLUTIONS AND INNOVATIONS SYMPOSIUM (D2)
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THE NEED FOR INTERNATIONAL COORDINATION TO RESOLVE MULTIPLE LICENSING
REQUIREMENTS IN DOMESTIC LAWS FOR PRIVATE AND COMMERCIAL SPACE LAUNCHES

Abstract

The undertaking of commercial launch activities is presently one of the few fields of private and commercial endeavours that may require the participants to be licensed by more than one country. For the purposes of the existing international treaties in force, only the “appropriate” country is required to “authorise and continually supervise” the private space activity. However, liability is imposed on the countries that launches, procures the launch or from whose territory or facility a space object is launched. This results in the possibility that multiple countries may be found liable for damage caused by a space object.

It is this imposition of liability that has led to most countries that have enacted domestic regulatory and licensing regimes to require licensing wherever the government of that country may be found liable under the international treaties. For example, a Hong Kong communications satellite launched using a launch vehicle of the United States from a facility owned by a United Kingdom company located in the deserts of Australia may require the launch to be licensed under the domestic laws of Australia, Hong Kong, the United Kingdom and the United States. This enables the countries concerned to exercise some degree of control over the activities of private entities in space, but it also significantly increases the licensing requirements imposed on such entities.

This paper reviews the applicability of the existing domestic laws of various countries dealing with the licensing of space launches, particularly those of Australia, Russia, the United Kingdom and the United States, as well as all other countries that have adopted licensing regimes for space launches. The paper then discusses the prospects of international coordination arrangements being able to assist in minimising the regulatory burden borne by the private global launch industry.