

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
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THIRD PARTY LIABILITY IN CROSS-BORDER SPACE BUSINESS: A COMPARATIVE RISK
ASSESSMENT FOR SPACE COMPANIES AND LEGAL PRACTITIONERS

Abstract

This article examines the third-party liability frameworks of existing national space legislation around the world as of mid-2019 and performs a comparative risk assessment that provides a practical perspective of what space companies need to be aware of when conducting cross-border business. The article will start off in Part I by briefly discussing the overall international legal framework that governs cross-border space business. Part II will then set forth the essential terms that national space legislation generally contains regarding third party liability, including scope, jurisdiction, insurance, indemnification by parties, indemnification by governments, force majeure, cross-waivers, and other unique items. Part III will outline and chart the spectrum that different jurisdictions have legislated regarding the terms that were explained in Part II and highlight major similarities and differences. Finally, Part IV will conclude with some practical suggestions that space companies and space law practitioners can rely on when making strategic decisions with regard to where to conduct its business around the world from the perspective of third-party liability protection.