

53rd COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Recent Developments in Space Law (5)

Author: Prof. Paul Larsen
Georgetown University Law Center, United States, pblspace@aol.com

THE LEGAL CONSEQUENCES OF THE U.S LEGISLATIVE IMPLEMENTATION OF THE
LIABILITY CONVENTION

Abstract

At recent international meetings opinions were expressed to the effect that the limitation on liability imposed by the U.S. Commercial Space Launch Act constitutes a U.S. limitation on liability regardless of the unlimited liability established by the Liability Convention. My paper will first examine the treaty history of the Liability Convention regarding the issue of the amount of compensation. Secondly, the paper will examine the U.S. Commercial Space Launch Act, its legislative purpose for limiting liability and its reexamination of the limitations on liability when the statutory limitation was re-authorized by the legislature in 2009, Thirdly, the paper will examine conformity of the statute with the treaty, application of the law that is latest in time, as well as existing judicial interpretation.. Fourthly the paper will describe how judicial decision-making by the tripartite Claims Commission or alternatively by the International Court of Justice could affect the liability issue. Fifthly, the paper will provide a conclusion clarifying how the issue of compensation under national legislation is an international issue under the Liability Convention.