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SUN, SEA, SAND ... AND SPACE: LAUNCHING TOURISTS INTO OUTER SPACE FROM THE
DUTCH CARIBBEAN

Abstract

With the first space tourist flights becoming ever closer to reality, the interests in becoming part of this challenging new chapter of human spaceflight are also spreading across the globe. One of the legally most interesting projects concerns the plans of Space Experience Curaçao, a Dutch company, to develop a spaceport on the island of Curaçao in the Dutch Antilles, so far famous largely for its holiday resorts. The aim is to allow as of 2014 commercial spaceflights to be undertaken from the island – and maybe to start offering such flights itself as well. The Dutch Antilles are part of the Kingdom of the Netherlands. Hence, for the purposes of for example the international space treaties, it falls under the responsibility and liability of the Netherlands. The Netherlands however, while indeed having enunciated a national space law to implement the relevant provisions of those treaties vis-à-vis private space operators, has so far excluded the Dutch Antilles from the scope of the licensing regime thereby established. Furthermore, the likely involvement of US operators as clients or partners in such ventures also raises the issue of application and applicability of relevant US law on the matter. The paper will analyse these main legal aspects in order to arrive at a conclusion regarding the extent to which private commercial spaceflights undertaken from Curaçao are appropriately covered for the purposes of, in particular, international responsibility and liability under the space treaties.