

54TH IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Legal Issues of Commercial Human Spaceflight (2)

Author: Prof. Yan Ling
China, lingy450@yahoo.com.cn

DOES THE RESCUE AGREEMENT APPLY TO SPACE TOURISTS?

Abstract

The Rescue Agreement does not address the issue regarding space tourists. This is because the persons who could travel to outer space were only astronauts or personnel of spacecrafts at the time when the Agreement was drafting. The question whether the Rescue Agreement can apply to space tourists will arise when commercial human spaceflights are available. The paper firstly examines the meaning of “astronauts” and “personnel” in the Outer Space Treaty and the Rescue Agreement to see if space tourists will fall into these categories. The paper then analyzes why the Rescue Agreement will not apply to the space tourists without further ado. Finally, it discusses the possibility of a broad interpretation of the Rescue Agreement in accordance with Vienna Convention on the Law of Treaties to include space tourists in the category of “personnel of spacecrafts” so that the Rescue Agreement can apply to space tourists.