

SYMPOSIUM ON COMMERCIAL SPACEFLIGHT SAFETY ISSUES (D6)
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MIXING US AND DUTCH APPROACHES: TOWARDS CURAÇAO'S LEGISLATION ON PRIVATE
COMMERCIAL SPACEFLIGHT

Abstract

One of the more advanced projects to offer private commercial spaceflights concerns Curaçao, the Dutch island in the Caribbean, from where Space Experience Curaçao (SXC) aims to start launching such flights with vehicles to be developed by XCOR as of 2014. Not only is the island still part of the Kingdom of the Netherlands, albeit as an autonomous 'Land' as of recently, SXC still is a company registered in the Netherlands, too. On the other hand, XCOR, which is going to wet lease its vehicles to SXC, is a US company, and its operations consequently will – to the extent applicable – (also) be licensed by the US Federal Aviation Administration (FAA). Curaçao is currently in the process of developing appropriate framework legislation for the purpose, in order inter alia to appropriately implement the relevant international legal obligations as well as protect applicable public interests in this specific context. Moreover, for the above reasons such legislation will likely mix the Dutch and US approaches to licensing, authorising and monitoring the commercial spaceflights at issue. The present paper analyses in some detail the various international, US and Dutch legal interests interacting in this context, and how Curaçao legislation would best guard all those interests while not unnecessarily burdening SXC and/or XCOR with administrative or other obstacles to a safe and potentially profitable business operation.