

SYMPOSIUM ON COMMERCIAL SPACEFLIGHT SAFETY ISSUES (D6)  
Commercial Spaceflight Safety and Emerging Issues (1)

Author: Prof. Diane Howard  
McGill University, United States, diane.howard814@gmail.com

A ROSE BY ANY OTHER NAME: DESPITE WHAT WE CALL BEST PRACTICES OR  
STANDARDS, THE GOAL IS THE SAME – TO FOSTER SAFETY AND LIMIT LIABILITY IN THE  
CONTEXT OF COMMERCIAL SPACE TRANSPORTATION

**Abstract**

Regardless of what we call them, best practices and standards can be methods to create order in the absence of express positive law. Recently, best practices have been discussed as preferred over more formal standards when dealing with safety issues in commercial space transportation. The paper examines inter alia who best practices protect (the general public, the space actor, and/or the launching state), whether they provide enough of a definable minimum standard for the purposes of interoperability, whether they can be used to limit liability of a private space actor, and, looking at best practices in other global commercial contexts, whether they hinder innovation. Though these are broad issues, the study is intended to briefly introduce some of the legal ramifications of these concepts to the marketplace employing them.