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Legal Issues of Commercial Human Spaceflight (2)

Author: Ms. Carol Ronan-Heath
International Institute of Air and Space Law, Leiden University, United Arab Emirates,
carol.ronan-heath@emirates.com

A NEW INTERNATIONAL CONVENTION TO GOVERN LIABILITY IN RELATION TO
COMMERCIAL SPACE TOURISM - IS IT REALLY NECESSARY?**Abstract**

The author will commence by investigating the lessons learned over the last 80 years by air carriers, governments and international organisations in the realm of liability for air carriers since the early days of flight in the early 20th century. This will include a discussion on the long debate which has ensued over the last 50 years as to who should bear the responsibility for surface damage as a result of air carrier operations, normal and illegal.

A full review of the current legal position governing liability for activities in space will follow addressing, inter alia the following issues:

1. 1. A review of all international conventions governing activities in space to the extent that they concern liability for damage to property or loss of human life;
1. 2. The current regime established by the State of New Mexico and Virgin Galactic in anticipation of VG's inaugural sub-orbital voyage next year vis-a-vis "passengers" and ground damage;
1. 3. The extent to which, if at all, the debate on where "space" starts and airspace ends will impact liability considerations;
1. 4. The extent to which, if at all, insurers of space activities and space craft will influence such liability considerations or operations for future missions/excursions of a commercial nature;

The author will then, in conclusion, discuss the advantages or disadvantages of establishing a new international regime governing liability for commercial space tourism.

Finally, should it be found that a new convention governing liability in relation to commercial space tourism be required, the author will outline key provisions in any such new convention.