

57th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)  
6th Nandasiri Jasentuliyana Keynote Lecture on Space Law and Young Scholars Session (1)

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THE REGULATION OF SUBORBITAL FLIGHTS

**Abstract**

Recently, a number of private companies have announced their intention to fly passengers into outer space in the near future. However, this upcoming activity of so-called commercial “suborbital” flights raises a lot of legal questions. Firstly, no widely accepted definition of a suborbital flight exists. In general, suborbital flights are flights of a reusable launch vehicle, which goes up into space on a half-hour flight, reaching an altitude of 100 kilometers and higher. The vehicle returns before it can complete one orbital rotation, allowing its passengers to experience a few minutes of weightlessness. Secondly, there is also no internationally agreed delimitation of outer space. Consequently, given that the vehicle is likely to cross both airspace and outer space, it is unclear which legal regime (i.e. air law or space law) must be applied. The legal framework is still unclear in this respect. As a result, there are a lot of legal challenges on suborbital flights. This paper aims at developing a legal regime for suborbital flights which provides a solution for all the current issues (such as liability, insurance, etc.) The main research question is which regime is economically efficient and will stimulate private operators to begin with suborbital flights.