

SYMPOSIUM ON COMMERCIAL SPACEFLIGHT SAFETY ISSUES (D6)

Enabling safe commercial spaceflight: vehicles and spaceports (3)

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ALOHA AND THE REGULATION OF COMMERCIAL SPACEPORTS

Abstract

Despite numerous setbacks and delays, it seems that with the passing of each year the space industry is one step closer to seeing the second Space Age come to fruition. While there have been monumental breakthroughs in the space industry within the last 5 years, such as the Rosetta mission, what the space industry needs now is a huge breakthrough in the commercial sector. With commercial spaceports and suborbital operators being at the forefront of NewSpace development, it seems that a significant part of this breakthrough must come from the commercial human spaceflight industry. However, such breakthroughs seldom happen without risks, and these risks open up the space industry to an enormous amount of liability exposure. For this reason, this paper proposes the need for a Space Safety Institute to be established and recognized by the United States Congress and the United Nations. The Space Safety Institute should be industry created and aim to develop, enforce, and adopt standards of excellence to allow the industry to thrive, especially in terms of liability and insurance. This paper will analyze the current policies different States have regarding the liability issues facing commercial spaceports. Due to the amount of space activity currently happening in the United States, this paper will have a strong focus on U.S. Federal policies and its particular effect on the development of the proposed spaceport at the Kona International Airport in Hawaii. Additionally, this paper will analyze the State policies governing commercial spaceport activities worldwide and the particularities of the commercial spaceport being developed in Curacao, as well as the United Kingdom. All of these spaceports are in different stages of development and, thus, serve as excellent examples for case studies to be presented later in the paper. Finally, this paper suggest recommendations for the current challenges of liability facing NewSpace development by providing draft legislation for establishing a Space Safety Institute. This Space Safety Institute will help the industry continue to grow by providing a framework for spaceport developers to legally protect themselves from liability. Ultimately, the space industry as a whole should strive for a global Space Safety Institute to be established.