

60th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

Space law Developments in Asia-Pacific: Diverging national space legislation with regard to the applicability of space law to suborbital flights (4)

Author: Ms. Kang Duan
China Great Wall Industry Corporation(CGWIC), China

WHEN SPACE LIABILITY IN THE SPACE TREATIES TRICKLES DOWN TO NATIONAL SPACE
LEGISLATION

Abstract

Article VII of the 1967 Outer Space Treaty and the 1972 Liability Convention established the basic legal framework governing liability for outer space activities, which places responsibility primarily on states parties. However, against the current backdrop of increasing outer space activities carried out by non-governmental entities, states have found it all the more necessary to set up domestic legal regime so that space liability as provided in the space treaties could trickle down to private sector that bears ultimate liability arising out of their space activities.

The approach space liability is addressed in national space legislation varies from state to state, due to different domestic legal systems and legislative traditions. It is certainly both an academic and practical challenge for states parties to the Liability Convention to figure out how its provisions best fit in domestically, in particular in consideration of the general tort liability regime. The present paper will first present an overview of existing national laws and regulations of several states relating to space liability, including the issues of strict liability principle, liable parties, exclusions, mandatory third party liability insurance, government indemnification etc. Drawing on the experience of other states, the paper will then discuss how such issues could possibly be addressed in China's domestic legal framework, particularly in light of emerging Newspace technologies and activities.