

60th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)  
'NewSpace', New Laws/ How governments can foster new space activities (2)

Author: Mrs. Kinga Kolasa-Sokolowska  
Poland

THE NEWSPACE AND THE NATIONAL SPACE INSURANCE REGULATIONS

**Abstract**

The NewSpace movement, with its disruptive technologies and new applications, has changed the landscape of risks associated with space activity. With the growing number of private enterprises entering the space sector, the already unforgiving and volatile space environment has become even more hazardous. Given the issues of state responsibility and liability for commercial space activities as provided by the 1967 Outer Space Treaty, national governments are developing laws intended to ensure that such activities are carried out in conformity with the provisions of the 1967 Treaty. Domestic regulations vary greatly among states, but they usually impose an obligation on private entities to obtain third party insurance coverage, before any licence to conduct space activity is granted. The shape of such regulation directly impacts both the cost and availability of such insurance policies, and is of prime importance for fledging private businesses developing their abilities in the space domain. Most of the time, domestic insurers lack the relevant expertise and financial resources to absorb space risks, so they usually seek reinsurance via the global market. Reinsurance provides not only an effective transfer of risk, but also technical assistance with space underwriting and risk management. On the other hand, the reliance on reinsurance means a dependence on the conditions provided by the reinsurer. This article argues that any inconsistencies between domestic laws and space insurance market practices, can seriously impede the process of obtaining insurance cover at reasonable cost, and as a result hamper the development of private space initiatives. Therefore, any domestic regulation concerning space insurance should take into account the standards and practices developed by the international space insurance markets.