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SPACEPORTS IN THE ASIA PACIFIC, NORTH AMERICA, AND CARIBBEAN REGIONS: A COMPARATIVE ANALYSIS OF GLOBAL GOVERNANCE

Abstract

In order to encourage future commercial space activities worldwide, there is an urgency for global governance among developing and established commercial spaceports. In particular, it is imperative that global governance is established for commercial spaceports because the emerging space market of sub-orbital flights will be invigorated in 2018 with both Blue Origin and Virgin Galactic stating that they aim to reach manned zero-gravity flights later that year. Realizing that commercial spaceports will be the foundation of the commercial space industry, and noticing the third party liability risks associated with conducting such space activities means that government oversight is essential for the participating state(s).

Spaceports are never explicitly mentioned in the five major space treaties. As a result, national legislation is extremely important in governing and promoting commercial space activities. As third-party liability issues continue to be one of the biggest legal concerns facing commercial spaceports, this paper will analyze the current policies different States have to protect their commercial spaceports from such risk. The legal environment in which spaceports operate, and will operate, is very much a work in progress due to the amount of national, regional and supranational legal mechanisms that must be considered.

Due to the amount of national space activity occurring in the United States, this paper will focus on U.S. Federal policies with an emphasis on protecting the proposed spaceports in Colorado and Hawaii from third-party liability issues. In addition, this paper will expand its scope along the Caribbean region and analyze the policies governing the proposed spaceport in Curacao.

While in the Asia Pacific, in an effort to promote economic growth in the region, the Indonesian Space Policy has mandated the government to build a spaceport no later than 2045. As the only country in the Asia Pacific situated along the equator, Indonesia is in an advantageous position to conduct launches. In anticipation of Indonesia's mandated spaceport, the next section of this paper will examine Indonesia's legal framework towards third-party liability issues. Furthermore, this paper shall examine the policies and offer analysis in regard to the proposed spaceports in New Zealand and Australia.

The final section of this paper will present a comparative analysis between the regions in order to provide more details on the legal implementations within the States towards governing their respective spaceports and spaceports worldwide.