IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
National Space Legislation – Harmonisation and Enforcement (3)

Author: Ms. Kang Duan
China Great Wall Industry Corporation(CGWIC), China, duankang@cgwic.com

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 establish the basic legal framework governing liability for outer space activities, which places liability 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 their domestic entities in a balanced manner that both holds them liable and maintains the vitality of the growing industry.

The approach by which space liability is addressed in national space legislation varies from state to state, due to dierent domestic legal systems and legislative traditions. It is certainly both an academic and practical challenge for states parties to the Liability Convention to gure out how its provisions best t in domestically, in particular in consideration of the general tort liability regime.

As national space legislation is globally still at its formative stage, this paper will try to examine the building blocks of a sound third party liability regime relevant to space activities on the national level taking into account both international and domestic considerations, based on experience of several nations. Since approaches adopted by these states are varied and complex, the purpose here is not to figure out a universal model for national liability rules, but to concentrate on the analysis required for legislative initiatives in this respect, so that nations aspiring to enact municipal laws and regulations could draw on their experience. This paper will then zoom in on China's legal framework related to space liability, and what practical implications its treaty obligations interacting with domestic regulations may have on domestic entities.