

Transcending Societal Issues for Space Exploration (12)
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SAVING ASTRONAUTS WHO?

Abstract

Elon Musk's announcement of colonizing Mars posed a long discussed problem, which is the elephant in the room, that how to deal with legal relations among diverse people in space. If the SpaceX Mars program goes ahead, the first legal problem to be solved will be the nationality and/or citizenship of those on the spacecraft. Colonizing or not, space travel will be very common in the foreseeable future. The safety and insurance issues of space travelers are critical. As proposed by the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, the contracting parties should be prompted by sentiments of humanity, which is a kind of moral duty but legal responsibility, although no country has excused from it so far in practice. However, no claim for compensation can be made for rescuing astronauts, compared to returning objects, according to the Rescue Agreement. The aim of this paper is to deconstruct the Rescue Agreement and reconstruct a rescue legal regime which provides two paths for astronauts and space travels respectively. In considering the different purposes of being in the space, countries and/or private entities who are involved in a rescue for astronauts are not entitled to claim for compensation because astronauts are considered envoys in outer space analogous to diplomats on the Earth. On the other hand, space travelers should be rescued of course out of humanitarian reasons, but expenses incurred in the rescue by countries and/or corporations shall be covered by the company which space travelers have signed a contract with to travel to space. The company can subsequently file a claim with the insurance company. Further discussion of the insurance system is needed to design one carefully.