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QUESTIONING THE INTERNATIONAL LEGAL FRAMEWORK FOR A RESPONSIBLE AND  
SUSTAINABLE SPACE TOURISM ACTIVITY

**Abstract**

An appeal to save the Earth rather than searching for life on other planets by Prince William, Duke of Cambridge, on October 14th, 2022, went almost unnoticed by the media. His wish is to repair this planet, not trying to find the next place to go and live. He is clearly referring to space tourism which he considers an environmental disaster. Nevertheless, the general context shows that space tourism which remained a dream for many space enthusiasts for a long time over the last years has become accessible. On July 11th, 2021, Sir Richard Branson, a British entrepreneur and founder of the US company Virgin Galactic in 2004, takes off on 'extraordinary' space flight. This huge step towards space tourism did not go unnoticed among space enthusiasts. A couple of days later, Jeff Bezos alongside other space tourists took off onboard the New Shepard rocket ship. Space tourism has rapidly evolved during these last years. However, the current existing legal framework neither internationally nor nationally addresses space tourism as such, let alone any specific legal norm providing clear rules for this high-risk activity. This imbalance between the on-going expansion of space tourism and the lacking legal base leads to legal uncertainties for all actors involved: States, private companies, space tourists, etc. Focusing on suborbital commercial space flights, the present paper shall investigate to which extent existing international space law strikes a fair balance between legitimate interests to conduct these space activities and their negative environmental impact. International space law foresees, as one of its main principles, the freedom to conduct space activities. Outer space being however elevated by international space law as a sort of 'global commons', individual states are free to act unless specific international obligations have been agreed upon, e.g. environmental norms, such as the Rio Declaration. Wherever notable lacunas in the *lex lata* are identified, the paper aims at advocating for dispositions to be included in a *lex ferenda* to overcome them.