

LIABILITY OF SPACE TRANSPORT CARRIERS AND TOURISM OPERATORS TO PASSENGERS, CARGO AND THIRD PARTIES

*Ricky J. Lee**

Introduction

The development of a space passenger transport and space tourism sector, catalysed by the creation of the Ansari X Prize and various associated commercial ventures, has put the focus of some legal and policy commentators on the issue of liability for such operations for loss, injury or damage to passengers, cargo and to third parties. While applicable limitation of liability schemes exist for maritime transport and air transport, no such scheme yet exist for space transport, nor has one been proposed and considered by the international community. The clarification of such issues would increase confidence in the emerging sector as well as to reduce compliance and insurance costs.

This paper identifies the legal and policy requirements to give certainty to the issue of liability on the part of space transport carriers and tourism operators, particularly on passenger liability, cargo liability and loss or damage suffered by third parties. The paper then attempts to compare the needs of the space transport sector with the liability schemes presently in place in air law and maritime law. Finally, the paper concludes by making some suggestions as to appropriate approaches for liability in the new commercial space transport sector.

Article VI of the Outer Space Treaty

In the context of detailing the legal issues applicable to private space tourism operators, it is pertinent to consider the terms of three of the applicable United Nations space treaties:

- the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (the "Outer Space Treaty");
- the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (the "Rescue Agreement"); and
- the 1972 Convention on International Liability for Damage Caused by Space Objects (the "Liability Convention").

It must be said that the possibility of private space transportation and tourism operations was probably not taken into consideration by the drafters of the United Nations space treaties. Therefore, it is necessary and important to consider the implications arising from the terms and provisions of such treaties to activities that they do not necessarily have direct application.

It is perhaps not surprising that the Outer Space Treaty and the other United

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Space Transport Liability Space Transport Liability

United States



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Space Transport Liability: National and International Aspects R. Bender, 1995-10-05 Space Transport Liability examines the national and international space transport liability principles which govern personal injury property damage and cargo losses caused by spacecraft The value of maritime aviation and general transport analogies and law is considered The book then considers the proper parties forums law and precedents available to resolve space transport disputes This book is as much about what space transport law will be as what it is It will interest legislators as well as lawyers It will assist space transport participants to structure their agreements and resolve their disputes The cases described will assist insurers in underwriting space risks and venture capitalists in hedging their bets For students of law it will extend conventional principles to unconventional situations **Markups of H.R. 356, and H.R. 1883, H.R. 2607, and H.R. 2797** United States. Congress. House. Committee on Science, 2001 **Summary of Activities of the Committee on Science and**

Technology, U.S. House of Representatives for the ... Congress United States. Congress. House. Committee on Science and Technology, 2005 Annual Report - Department of Transportation United States. Department of Transportation, 1984

United States Code United States, 2013 The United States Code is the official codification of the general and permanent laws of the United States of America The Code was first published in 1926 and a new edition of the code has been published every six years since 1934 The 2012 edition of the Code incorporates laws enacted through the One Hundred Twelfth Congress Second Session the last of which was signed by the President on January 15 2013 It does not include laws of the One Hundred Thirteenth Congress First Session enacted between January 2 2013 the date it convened and January 15 2013 By statutory authority this edition may be cited U S C 2012 ed As adopted in 1926 the Code established prima facie the general and permanent laws of the United States The underlying statutes reprinted in the Code remained in effect and controlled over the Code in case of any discrepancy In 1947 Congress began enacting individual titles of the Code into positive law When a title is enacted into positive law the underlying statutes are repealed and the title then becomes legal evidence of the law Currently 26 of the 51 titles in the Code have been so enacted These are identified in the table of titles near the beginning of each volume The Law Revision Counsel of the House of Representatives continues to prepare legislation pursuant to 2 U S C 285b to enact the remainder of the Code on a title by title basis into positive law The 2012 edition of the Code was prepared and published under the supervision of Ralph V Seep Law Revision Counsel Grateful acknowledgment is made of the contributions by all who helped in this work particularly the staffs of the Office of the Law Revision Counsel and the Government Printing Office Preface Journal of the House of Representatives of the United States United States. Congress. House, 2013 Some vols include supplemental journals of such proceedings of the sessions as during the time they were depending were ordered to be kept secret and respecting which the injunction of secrecy was afterwards taken off by the order of the House **United States Code, 2006, V. 34, General Index, B-G , Launching**

and Operating Satellites:Legal Issues R. Bender,1998-01-01 Discusses the Legal aspects of launching and operating different Satellite systems Direct Broadcasting System Remote Sensing and Military also general responsibility and liability principles Summary of Activities of the Committee on Science and Technology, U.S. House of Representatives for the ... Congress United States. Congress. House. Committee on Science and Technology (2007),2010 **Summary of Activities of the Committee on Science and Technology, U.S. House of Representatives for the ... Congress** United States. Congress. House. Committee on Science and Technology (2007-2011),2010

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Table of Contents Space Transport Liability Space Transport Liability

1. Understanding the eBook Space Transport Liability Space Transport Liability
 - The Rise of Digital Reading Space Transport Liability Space Transport Liability
 - Advantages of eBooks Over Traditional Books
2. Identifying Space Transport Liability Space Transport Liability
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Space Transport Liability Space Transport Liability
 - User-Friendly Interface
4. Exploring eBook Recommendations from Space Transport Liability Space Transport Liability
 - Personalized Recommendations
 - Space Transport Liability Space Transport Liability User Reviews and Ratings

- Space Transport Liability Space Transport Liability and Bestseller Lists
- 5. Accessing Space Transport Liability Space Transport Liability Free and Paid eBooks
 - Space Transport Liability Space Transport Liability Public Domain eBooks
 - Space Transport Liability Space Transport Liability eBook Subscription Services
 - Space Transport Liability Space Transport Liability Budget-Friendly Options
- 6. Navigating Space Transport Liability Space Transport Liability eBook Formats
 - ePub, PDF, MOBI, and More
 - Space Transport Liability Space Transport Liability Compatibility with Devices
 - Space Transport Liability Space Transport Liability Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Space Transport Liability Space Transport Liability
 - Highlighting and Note-Taking Space Transport Liability Space Transport Liability
 - Interactive Elements Space Transport Liability Space Transport Liability
- 8. Staying Engaged with Space Transport Liability Space Transport Liability
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Space Transport Liability Space Transport Liability
- 9. Balancing eBooks and Physical Books Space Transport Liability Space Transport Liability
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Space Transport Liability Space Transport Liability
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Space Transport Liability Space Transport Liability
 - Setting Reading Goals Space Transport Liability Space Transport Liability
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Space Transport Liability Space Transport Liability
 - Fact-Checking eBook Content of Space Transport Liability Space Transport Liability
 - Distinguishing Credible Sources

13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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