

Fall Semester 2004

Part 3

No. 1



S·P·A·C·E TOURISM II™

Lecture Series given by Dr.-Ing. Robert Alexander Goehlich

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General Contact

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Introduction

Goal Definition of this Lecture

No. 4



The goal of this lecture is to understand the basic space laws and to discuss about their relevance and weak points concerning tourist spaceflight activities.

Policy

Outer Space Treaty (1967)

No. 5



Facts:

The Outer Space Treaty stipulates the principle of "exploration and use of outer space". It can be considered as the backbone of international space law.

Weak Point:

Liability of the launching state for damages caused by a space object is not clear. It is unclear which liability regime would apply in the event that a non-governmental entity's space mission resulted in harm to a foreign citizen.

(IATA)

Background:

The Warsaw Convention (1929) is an international private law treaty and has helped to establish international air travel, by limiting airlines' liability for damages in the event of injuries to passengers or loss of baggage. It has been proposed that a space law agreement should be based on this Convention.



Policy

Rescue Agreement (1968)

No. 6



Facts:

This agreement is about the rescue of astronauts, the return of astronauts and the return of objects launched into outer space.

Weak Point:

The agreement does not include passengers so space-tourists may not fall into the scope of the agreement and therefore may not take advantage of the rules stipulated there.

(United Nations)



Policy

Liability Convention (1972)

No. 7



Facts:

Article II provides the launching state's absolute liability for compensation of damage on the surface of the Earth or to aircraft in flight. Accordingly, states have the right to refuse private enterprises to practice space tourism.

Weak Point:

It is imaginable that states refuse to allow private enterprises to perform space tourism or that states set up exaggerated requirements.

(United Nations)



Policy

Registration Convention (1976)

No. 8



Facts:

Member States conducting space launches have been requested by the Committee to provide the United Nations with information on their launchings. Private enterprises need to comply with the registration procedure.

Weak Point:

A problem occurs when a launching state is not a Member State of the Registration Convention.

(United Nations)



Policy

Moon Agreement (1979)

No. 9



Facts:

According to the Moon Agreement, celestial bodies and their resources shall not be subject to sovereignty claims.

Weak Point:

The Moon Agreement does not have a high practical relevance, because the agreement does not prevent states other than the contracting states from claiming national sovereignty for the respective celestial body.

(United Nations)



Policy

H.R. 3752 (2004)

No. 10



Facts:

In March 2004, the House passage of legislation set guidelines for the future space tourism industry. The House bill gives regulatory authority over human flight to the Federal Aviation Administration's Office of Commercial Space Transportation. To make it easier to test new types of reusable suborbital rockets, this bill gives the FAA office the authority to issue experimental permits that can be obtained more quickly and with less bureaucracy than licenses.

Weak Point:

It is unknown what scheme, if any, for suborbital tourism can make a profit. But instead of maximizing the number of schemes that can be tried, it is poised to minimize them by this framework.

H.R. 3752
Title: To promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes.
Sponsor: Rep. Rohrabacher, Dana [CA-46] (introduced 2/3/2004) Cosponsors (4)
Related Bills: H.RES 546, S.1260, S.2772
Latest Major Action: 3/8/2004 Referred to Senate committee. Status: Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
House Reports: 108-429

(Library of Congress)



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