RESOLUTION 03/2022

SPACE LAW COMMITTEE

The 80th Conference of the International Law Association, held in Lisbon, Portugal, 19-24 June 2022:


EMPHASIZING the growing importance of suborbital (non-orbital) spaceflight activities;

RECOGNIZING the new legally challenging area of law raised by activities that involve questions of delimitation and application of air (law) and space (law);

ADOPTS the Lisbon Rules on Suborbital (non-orbital) Spaceflight Activities, annexed to this Resolution;

REQUESTS the Secretary-General of the International Law Association to forward a copy of this Resolution and its annex to the Director of the Office of Outer Space Affairs of the United Nations in Vienna, and to the Chairman (Chairwoman) of the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) as well as to the Chairmen (Chairwomen) of the UNCOPUOS Scientific and Technical Subcommittee as well as UNCOPUOS Legal Subcommittee.
ANNEX

LISBON RULES ON SUBORBITAL (NON-ORBITAL) SPACEFLIGHT ACTIVITIES

Article 1
Definitions

a) A suborbital spaceflight activity is any activity [in outer space] involving a parabolic flight that is not intended to complete an orbit around Earth.

b) A suborbital spaceflight vehicle is any object performing a suborbital spaceflight activity [that is intended to operate in outer space].

c) A suborbital operator is the entity, governmental or non-governmental, performing a suborbital spaceflight activity.

Article 2
Applicability of international law

International law is applicable to suborbital spaceflight activities.

Article 3
Authorizing State(s)

Every suborbital spaceflight activity must be authorized by the appropriate State and the State(s) on whose territory or from whose facility the activity, or part(s) of it, is performed.

Article 4
Common Elements of Authorization

(1) The criteria which States shall apply when deciding on the authorization of suborbital spaceflight activities shall concern both the activity and the vehicle. The activity-related criteria shall include:

(a) Main purpose of the activity;

(b) Route description: altitude/trajectory/time of suborbital spaceflight and landing location;

(c) Obligation for coordination with air traffic control;

(d) Type of cargo/number of crew members and spaceflight participants;

(e) Qualification of commanders, crew members and spaceflight participants;
(f) Requirement of insurance for third-party liability of the suborbital space vehicle and of any person participating in the activity through the operator.

With regard to the suborbital spaceflight vehicle, safety requirements, such as air/space worthiness, disclosure of main design features shall be examined.

(2) States may impose other conditions relating to public interests, such as public safety, public health, environmental protection, national foreign policy or security interests, at their own discretion and with respect for the international obligations of the State.

(3) In addition, any aircraft used in the performance of suborbital spaceflight activities must be authorized according to all appropriate technical criteria according to Annexes 6 and 8 of the Chicago Convention.

**Article 5**

*Registration of Vehicle(s) involved in a Suborbital Spaceflight Activity*

(1) A national register must be established (by the appropriate /authorizing State) containing at least the following details:

(a) Envisaged location and date of the initial launch/take-off of the suborbital spaceflight vehicle,

(b) Type and registration number of the suborbital spaceflight vehicle,

(c) General function of the suborbital spaceflight vehicle,

(d) Trajectory and altitude of the suborbital spaceflight activity,

(e) Envisaged location and date of landing.

(2) Aircraft used in the performance of suborbital spaceflight activities must be registered in accordance with the applicable rules of air law.

**Article 6**

*Liability and Insurance*

(1) Without prejudice to any liability arising under other obligations of international or national law, the authorising state is liable for any damage caused by the suborbital spaceflight vehicle to persons or property [not directly participating in the suborbital spaceflight activity].

(2) The term “damage” means loss of life, personal injury or the impairment of health, or loss of or damage to property of states or of persons, natural or juridical, or damage to property of international intergovernmental organisation.
The authorising state can have recourse against the suborbital operator under the conditions and within the limits specified by applicable national legislation.

**Article 7**

*Crew of suborbital space vehicles and participants in suborbital spaceflight activities*

The rights and responsibilities of the following persons directly participating in a suborbital spaceflight activity should be regulated by applicable law based on the following roles:

a) A Commander: the person directing the suborbital spaceflight activity on board the suborbital space vehicle,

b) Crew members: persons fulfilling formal and defined tasks on board the suborbital space vehicle under the command of the Commander,

c) Spaceflight participants: persons directly participating in a suborbital spaceflight activity on board the suborbital space vehicle without formal duties apart from following the instructions of the Commander and the crew.

**Article 8**

*Suborbital Facilities*

Details concerning ground facilities used for suborbital spaceflight activities (e.g. airports and spaceports) shall be regulated in specific bylaws