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Medical Care for Humans in Space (3)

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STATE LIABILITY AND RESPONSIBILITY FOR MEDICAL TREATMENT AND/OR CARE FOR
INJURY TO OR ILLNESS OF SPACE TOURISTS OR SUBORBITAL FLIGHT PASSENGERS**Abstract**

Outer Space Treaty Article VII imposes internationally liability, without exception or limitation, on a launching State for damage a space object causes to natural persons who are nationals of another State. The Liability Convention, which derives from Article VII, establishes a restrictive framework for certain types of harm, but does not appear to expressly preclude liability for injury to nationals of a non launching State who are tourists or passengers on a space object. Moreover, Outer Space Treaty Article VI imposes State responsibility for the space activities for its nationals while Article III extends international law principles to outer space.

This paper will examine State liability and/or responsibility for providing medical care or treatment for non-nationals who suffer injury or illness caused by or resulting from being a tourist or passenger on a space object. It will entail a legal analyst of the Liability Convention as well as the relevant provisions of the Outer Space Treaty relating to liability and responsibility for injury or harm to non-nationals. The paper will be limited to whether and under circumstances State liability and/or responsibility may exist. It will not discuss or address waivers, releases, or other documents designed to negate liability or responsibility.