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International cooperation on the way to the Moon and Mars (2)

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SAFETY ZONES ON THE MOON: INTERNATIONAL AND NATIONAL LEGAL DIMENSION

Abstract

Extraction and utilization of the lunar resources is the most popular topic today for specialists of different occupations in the space sphere. For space lawyers, first of all, the international legal regime of this activity is the disputable question. At the same time people have not started yet real activity on the Moon. It means humanity does not know to the end how this type of activity will be realized in practice. In this case safety questions move into first. The Outer Space Treaty 1967 stipulates to avoid harmful interference, to follow the principle of due regard and the principle of cooperation and mutual assistance (art. IX). The Moon Agreement 1979 partially repeats these provisions (articles 8, 9, 11, 15). The UN Guidelines for the Long-Term Sustainability of Outer Space Activities 2019 also contains some basic recommendations in this regard. The U.S. initiative and the normative base for the cooperation with other States – the Artemis Accords – enshrines principle of deconfliction of space activities (section 11). This principle includes safety zones – “areas in which nominal operations of a relevant activity or an anomalous event could reasonably cause harmful interference”. In spite of that we could not stand assured of the right safety regime on the moon activities. Thus it is important to analyse the experience of the other branches of law and suggestions in that context. Non-governmental initiatives like the Moon Village Principles (principles 8 and 12) or the Building Blocks for the Development of an International Framework on Space Resource Activities (parts 10, 11) have similar provisions. National legislation in the environmental and ecological fields regulates safety aspects as well (nuclear power, artificial islands etc.). Moreover, other branches of international public law – i.e. international law of the seas (the UNCLOS, art. 260) – provides safety zones in the context of the scientific research. The presented article will be devoted to the complex international and national legal research of the safety zones. This method will enable us to understand weak and strong sides of the current regulation on safety in the context of extraction and utilization of resources. Moreover, at the end of the article authors suggest the most relevant solution of the “safety zones” on the Moon.