

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Safety Zones on Celestial Bodies and in Outer Space (5)

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RULES ON SAFETY ZONES IN INTERNATIONAL LAW APPLICABLE TO SPACE ACTIVITIES

Abstract

This article studies to which extent state practice on the concept of the “safety zones” found in international law of the sea, international environmental law, international humanitarian law, etc. could be a reference in considering the similar rules in international space law. The concept of “safety zones” had been proposed in various subjects of international space law. It started in the area of arms control and disarmament in outer space. The setting up of a safety zone had been proposed in the Conference on Disarmament (CD) often by the name of “keep-out zones” as a (transparency and) confidence building measures (CBM/TCBM) since the latter half of the 1980s. This was followed by the proposals and ideas found mostly outside the United Nations on the space traffic management (STM) and then space resources exploration and exploitation and other exploration activities on the Moon and other celestial bodies. The recent practices include point 11 of the Building Blocks for the Development of an International Framework on Space Resource Activities adopted by the Hague International Space Resources Governance Working Group and Section 11 of the Artemis Accords as a non-legally binding political instrument. As the existing space treaties do not provide sufficiently concrete guidance in pursuing “safety zones” which seem to be needed for some kinds of activities, established rules and precedents in other fields of international law would be explored in considering concrete rules for safety zones in space activities on-orbit and on celestial bodies. Study is to be made especially on state practice of “safety zones” surrounding artificial islands, installations and structures in the exclusive economic zones and on the continental shelf (Arts. 60 (4) and 80 of the Law of the Sea Convention (UNCLOS)), “special measures” States have taken to protect its environment in the EEZ and ice-covered areas (Arts. 211 (6) and 234 of the UNCLOS), and military experiments on the high seas and safety zones. Then the conclusion will be given on which aspects of the rules may be applicable with necessary modification to “safety zones” in outer void space and on celestial bodies depending on subject-matters of space activities.