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Author: Mr. Eloi PETROS
IDEST, University Paris Sud, France

LAUNCHING FROM THE MOON, MARS AND OTHER CELESTIAL BODIES: A LEGAL ANALYSIS

Abstract

A great number of today's plan for future space exploration programs involve launches from another celestial body. Whether it is to bring back samples, astronauts, or to proceed to a commercial launch, those operations raise specific legal issues. Reinforced by decades of experience, the involvement of new actors as well as a diversified and greatly increased activity, space law has evolved since the last launch departing from the Moon in 1972 (Apollo 17). This article addresses the many issues that such activity will bring up from a legal perspective at all levels of the legal framework governing space activities, that is, international, national and private law. With regards to international space law, this article will focus on the application of the "launching State mechanism" on another celestial body, the planetary protection and environmental requirements, the space debris issues and the international cooperation requirements. With regards to national space legislations and private law practices, it will address the questions raised by the new criteria required by States in order to deliver the authorization and license to launch, and the implications of such launching activity in the insurance market. By addressing chronologically each of the steps involved in a launch, from the authorization process to the "end of life" of the launcher's stages, this article will present the legal environment of this launching activity. If launching from Earth is today a well-defined operation, launching from another celestial body raises new legal issues.