

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
International cooperation on the way to the Moon and Mars (2)

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NATIONALITY OF THE SPACE OBJECT AS AN INDISPENSABLE DEVICE FOR THE
EXPLOITATION OF THE MOON AND MARS**Abstract**

The exploration and exploitation of the Moon and Mars will be carried out by various space objects launched from the Earth. This article is to study to what extent liability and responsibility regime developed under the UN treaties on outer space could reasonably apply to “space objects” including various stations, infrastructures, facilities, vehicles, robots, etc. The basic rule that State of registry exercises jurisdiction and control over the said space object while launching States are jointly liable may not lead to the reasonable consequences on a variety of cases. For instance, granting that spacecraft X placed in a cargo transfer bag is launched from the territory of State A in a launch vehicle transported to a multinational space station B, which consists of several modules registered by several States. Then, that spacecraft X is placed in a module registered by State C and deployed or “launched” through the airlock-type mechanism owned by a private company of State D, and that is transferred to the Moon. Spacecraft A becomes a part of a manufacturing facility E, but remains unregistered. Spacecraft A is owned and operated by a private company F of a State G that is not a State constructed a space station B. In case that spacecraft A causes a physical damage to another spacecraft, which State or States are responsible and liable for this? Some or all States, A, B and C are launching States? All member States of the space station B are launching States? What is “launch”? Is that damage assessed as “activities in outer space” of only the national State of space X and how can such State or States be found considering a variety of entities could be involved in one spacecraft? This is only one example and through the analysis of some case studies of the responsible and liable States and space objects, this Article will lead to a conclusion that nationality should not only be granted to space objects but has been substantially conferred by now. Nationality of space objects will solve most of the problems in operating human and unmanned activities on the Moon and Mars.