

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

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USING “SAFETY ZONE” EXAMPLES ON EARTH’S LAND AND ITS WATERS IN ORDER TO
BETTER DESIGN “SAFETY ZONES” ON THE MOON, OTHER CELESTIAL BODIES AND IN
INTER-STELLAR SPACE

Abstract

The proposed abstract seeks to examine with IAC participants the parameters of safety zones that have been implemented on Earth’s lands and in its waters in order to help develop legal and practical frameworks for “safety zones” beyond Earth, including on the Moon, other celestial bodies and even within inter-stellar space. The need for safety zones Off World will increasingly become instrumental in the exploration and use of outer space, whether in the context of safeguarding cultural objects and sites, natural landscapes, or yet more immediately in ensuring the integrity and security of multidisciplinary space activities including, inter alia, scientific, industrial, cultural or humanitarian missions and their related infrastructures.

International and domestic laws applicable on Earth offer many examples in which safety zones have been attempted to secure objects or sites of particular interests in a plethora of legal, physical and political environments. Although some of those examples may potentially provide instructive legal principles to shape the legal parameters for Off World safety zones, as contemplated for instance in Article 11 of the US-sponsored Artemis Accords, others offer unsuccessful examples. Both successful and unsuccessful On World examples are vital to designing efficient Off World safety zones in an expanded space law framework under the auspices of the United Nations’ space law treaties and its related principles. Both examples also help consider evolving political landscapes and unique physical contexts beyond Earth that must ultimately be considered in Off World safety zone formation.

The proposed presentation will consider legal rules that have been used to create On World safety zones within national jurisdictions, in overlapping jurisdictions, jurisdictional voids and in varying physical mediums under the: 1959 Antarctic Treaty, 1972 UENSCO World Heritage Convention; 1982 United Nations Law of the Seas Convention (“UNCLOS”); 2001 UNESCO Underwater Convention; and also those currently being contemplated under a new UNCLOS instrument on the conservation and sustainable use of marine biological diversity. The presentation will endeavor to identify legal rules for the creation and maintenance of off World safety zones in order to help ensure that international space law continues to be a relevant part of global space governance in the twenty-first century.