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LEGAL STATUS OF CREWED LUNAR STATION ACTIVITIES: FURTHER CONSIDERATIONS ON
NON-APPROPRIATION AND JURISDICTION ISSUES ON THE MOON

Abstract

Building stations on the lunar surface is a future trend of lunar exploration and use. Scientific investigations and crewed landing on the Moon are planned in both the Artemis program and the International Lunar Research Station project. Nevertheless, the current outer space legal framework needs further development for the new and fast-developing lunar activities. Among the legal issues that emerged, the legal status of lunar stations and persons within the stations is the first to be considered. Stations built on lunar surfaces could influence other states' free access to all areas on the Moon and might challenge the non-appropriation principle of the Outer Space Treaty. Also, the jurisdiction of persons in lunar stations remains unclear due to certain inconsistent treaty notions.

This paper first illustrates the definition and scope of lunar stations from the perspective of legal study. Then, this paper discusses the legal status of lunar stations in light of Articles I, II and XII of the Outer Space Treaty. The province of all mankind, freedom of exploration and non-appropriation provisions are the core of space law and the basis for determining the legal status of lunar stations. As lunar station activities proceed, the non-appropriation principle could be further developed, and Articles 8, 9 and 15 of the Moon Agreement are analyzed for reference. Meanwhile, jurisdiction rules in general international law and the rules of quasi-territorial jurisdiction in Article VIII of the Outer Space and Article 12 of the Moon Agreement are applied and discussed. Also, the inconsistent notions of "astronaut," "personnel of a spacecraft" and "persons on the Moon" are compared to identify the jurisdiction of crewed lunar stations. Finally, this paper concludes that the construction of lunar stations is supported by the Outer Space Treaty and complies with the non-appropriation principle with further conditions that should be met. Meanwhile, "persons" is adopted as a unified notion, and the jurisdiction of persons in lunar stations is identified with the term "space object" reinterpreted.