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THE CASE OF OVERLAPPING SAFETY ZONES ON THE MOON: DELIMITATION OF SPACE,
RIGHTS AND OBLIGATIONS

Abstract

As space-faring States are preparing their return to the Moon, the concept of ‘safety zones’ has made its appearance, invoking heated discussions among the members of the legal community.

In this context, the present paper aims to focus on a necessary balance between the rights of access and use under Article I OST and the obligations of due regard and avoidance of harmful interference under Article IX OST on the other. Particularly, the author assumes that the scenario of overlapping safety zones on the Moon is inevitable, especially with respect to favorable lunar locations. Accordingly, the author will attempt to suggest realistic and efficient legal solutions for the delimitation of overlapping safety zones based on an analogy with delimitation rules applicable in air law and the law of the sea, where safety zones have by far been regulated.

In this aim the Artemis Accords of 2020 will be taken into particular consideration in order to comprehend the notion of celestial safety zones as perceived by major space-faring States.