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CHARTERING IN OUTER SPACE: A LEGAL ANALYSIS OF THE APPLICATION OF THE
MARITIME CHARTERING REGIME IN SPACE ACTIVITIES

Abstract

On February 22, 2024, fifty-two years after the historic landing of Apollo 17, Odysseus brought the United States back on the lunar surface. Only this time, both the spacecraft and the rocket were owned by private companies. The IM-1 lunar mission, carried out by Intuitive Machines and SpaceX accordingly, as part of NASA's Commercial Lunar Payload Services (CLPS) initiative and Artemis campaign, highlights the degree to which private companies are now a part of the space exploration and exploitation arena. This growing privatization and commercialisation of space activities, and more importantly, of space assets, has created a new reality, where States are not the sole players anymore, leaving private entities in need of a more flexible regime regarding the use and exploitation of space objects. As a means of fostering private endeavour in space activities, this paper aims to examine the possibility of introducing chartering of space assets, based on the model already existing in the field of shipping. In accordance with maritime practice, it is proposed that chartering would essentially allow space objects owned by a State or a private entity to be hired and exploited for a specific time period or a specific use, by another State or private entity. The authors will review the existing legal framework regarding space activities, aiming to harmonize the intricacies of space law with the well-established practice of maritime charter, giving prominence to a flexible and modern regime that is more use-oriented.