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Launching into Outer Space (4)

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NAVIGATING THE LEGAL SEAS; REVISITING THE CONCEPT OF "LAUNCHING STATE" WITH REGARD TO SHIP-BASED SPACE LAUNCHES

Abstract

Over the recent years, the New Space Revolution has brought upon the space arena a plethora of non-State actors that crinkle the State monopoly on the space realm. This has led to the creation of a rapidly unfolding market that facilitates the conduct of space activities for commercial purposes. In this light, the technological advancements have sparked the interest of maritime-based space activities, providing new insights to the freedom of use and access outer space. In particular, ship-based space launches aim to overcome the mobility obstacles posed by land-based launching sites, while offering a higher degree of flexibility to the respective services. In this context, it is evident that the traditional concept of the "launching State" -that has mainly been applied when launching space objects from land facilities-, as well as the international obligations deriving by it, shall be revisited and redefined. This paper firstly examines practical challenges, faced by both State and non-State actors, arising from maritime launching endeavors. Even more so, this paper delves into a plethora of legal considerations of maritime-space operations, regarding the launch of space objects from ships. Departing from the profound need to re-examine the concept of the "launching State", and through a comprehensive analysis of the existing legal framework, as provided in the treaty law of outer space, this paper aims to highlight the challenges pertaining international responsibility and liability allocation of the launching State, as well as jurisdictional challenges. At this point, this paper will further discuss the applicability of norms and obligations as set forth by international space law, as well as maritime law and emerging norms and regulations.