

Space Law- Frequently Asked Questions

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What is space law?

Space law can be described as the body of law applicable to and governing space-related activities. The term "space law" is most often associated with the rules, principles and standards of international law appearing in the [five international treaties and five sets of principles governing outer space](#) which have been elaborated under the auspices of the United Nations Organization. However, space law also includes international agreements, treaties, conventions, rules and regulations of international organizations (eg. the International Telecommunications Union), national laws, rules and regulations, executive and administrative orders, and judicial decisions.

States which have national law and legislation governing space-related activities include inter alia Argentina, Australia, Canada, Finland, France, Germany, Hungary, Indonesia, Japan, New Zealand, Philippines, Republic of Korea, Russian Federation, Slovakia, Sweden, South Africa, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

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Why do we need law about outer space?

Outer space is an exciting and highly important region, which because of its unique nature holds the potential for both significant benefits and dangers. The primary goals of space law are to ensure a rational, responsible approach to the exploration and use of outer space for the benefit and in the interests of all humankind. To this end, space law addresses a variety of diverse matters, such as military activities in outer space, preservation of the space and Earth environment, liability for damages caused by space objects, settlement of disputes, protection of national interests, rescue of astronauts, sharing of information about potential dangers in outer space, use of space-related technologies, and international cooperation.

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What is the legal difference between the five international treaties and the five sets of principles elaborated through the United Nations?

Following their adoption by the General Assembly, the five international treaties governing outer space were opened for signature and ratification by Member States. Under international law, their provisions are binding upon those States who have ratified them. In addition, they articulate agreed upon principles relating to the exploration and use of outer space which may guide even those States which have not legally bound themselves to the provisions. The five sets of principles have the legal status of General Assembly resolutions. They provide generally accepted principles, rules and standards by which States may, and very often do, govern their space related activities.

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How many States have signed and ratified the five international treaties governing outer space?

As of 1 January 2006:

The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (the "Outer Space Treaty") has been ratified by 98 States and signed by 27 others.

The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (the "Rescue Agreement") has been ratified by 88 States and signed by 25 others. In addition, one international intergovernmental organization has declared its acceptance of the rights and obligations provided for in this Agreement.

The Convention on International Liability for Damage Caused by Space Objects (the "Liability Convention") has been ratified by 83 States and signed by 25 others. In addition, three international intergovernmental organizations have declared their acceptance of the rights and obligations provided for in this Convention.

The Convention on Registration of Objects Launched into Outer Space (the "Registration Convention") has been ratified by 46 States and signed by 4 others. In addition, two international intergovernmental organizations have declared their acceptance of the rights and obligations provided for in this Convention.

The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (the "Moon

Agreement") has been ratified by 12 States and signed by 4 others.

Further information on the status of the treaties can be found in the [space law section](#) of this website.

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Do the five international treaties regulate military activities in outer space?

Yes. The Outer Space Treaty prohibits States Parties from placing in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, installing such weapons on celestial bodies, or stationing such weapons in outer space in any other manner. The Treaty also states that the Moon and other celestial bodies shall be used exclusively for peaceful purposes and prohibits the establishment of military bases, installations and fortifications, the testing of any types of weapons and the conduct of military manoeuvres on such celestial bodies. However the use of military personnel for scientific research or for any other peaceful purposes is not prohibited.

The Moon Agreement expands upon the provisions of the Outer Space Treaty by also prohibiting any threat or use of force, any other hostile act or threat of hostile act on the Moon (or other celestial bodies in the solar system) and any use of the Moon (or other celestial bodies in the solar system) in order to commit such acts or threats in relation to the Earth, the Moon, spacecraft, personnel of spacecraft or man-made space objects.

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Can any State claim a part of outer space as its own?

No. The Outer Space Treaty states that outer space, including the Moon and other celestial bodies is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means. The Treaty establishes the exploration and use of outer space as the "province of all mankind". The Moon Agreement expands on these provisions by stating that neither the surface nor the subsurface of the Moon (or other celestial bodies in the solar system), nor any part thereof or natural resources in place, shall become property of any State, international intergovernmental or non-governmental organization, national organization or non-governmental entity or of any natural person.

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The treaties control space-related activities of States. What about non-governmental entities active in outer space, like companies and even individuals?

The Outer Space Treaty states that States Parties shall bear international responsibility for national activities in outer space, including the moon and other celestial bodies, whether such activities are carried out by governmental agencies or non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the treaty. The Treaty further states that the activities of non-governmental entities in outer space, including the moon and other celestial bodies shall require authorization and continuing supervision by the appropriate State Party.

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What is the legal position of astronauts in outer space, and can they be detained if they crash-land in a foreign territory?

In terms of the Outer Space Treaty, States on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body. Therefore, except where agreed otherwise by States (for example, in the case of joint projects) personnel of spacecraft in outer space are subject to the laws of the State of registry. In addition, the Outer Space Treaty and the Rescue Agreement provide that astronauts shall be regarded as the "envoys of mankind in space" and shall be rendered all possible assistance in the event of accident, distress or emergency landing. It is also required that astronauts landing or being found in foreign territory or the high seas be safely and promptly returned to representatives of their launching authority or state of registry.

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Who owns satellites and other space objects that inadvertently return to earth or become "lost" in outer space ? Can they be claimed by anybody able to salvage them ?

The Outer Space Treaty states that ownership of objects launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, is not affected by their presence in outer space or on a celestial body or by their return to earth. In other words, satellites and other space objects remain the property of their original owners regardless of their location. The Outer Space Treaty and the Rescue Agreement then go on to specifically provide for the return of all space objects or their component parts to their original launching authority or state of registry if they are discovered or recovered in a foreign territory or on the high seas.

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Are States liable for damages which might be caused by their space objects in outer space or on the Earth?

According to the Outer Space Treaty and the Liability Convention, States Parties that launch or procure the launch of an object into outer space, or from whose territory or facility an object is launched, are internationally liable for damage caused by that object or its component parts. Such damage includes loss of life, personal injury or other impairment of health; or loss of or damage to property of States or of persons, natural or juridical (ie companies etc.), or of international organizations. The Liability Convention provides for damage suffered on the surface of the Earth, to aircraft in flight, and to other space objects or persons and property on such other space objects.

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So private individuals and companies suffering damages from a space object could sue the launching State?

Claims under the Liability Convention for compensation for damages caused by space objects can only be presented through diplomatic channels by States on their own behalf, on behalf of their nationals, on behalf of persons suffering damage within their territory, or on behalf of their permanent residents.

Also, the Liability Convention does not apply in the case of damages suffered by a launching State's own nationals. However, the Liability Convention specifically states that nothing in its provisions shall prevent a State, or natural or juridical persons it might represent, from pursuing a claim in the courts or administrative tribunals or agencies of a launching State.

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How can we find out what has been launched into outer space, and who is responsible for it ?

A registry of launchings has been maintained by the United Nations Secretariat since 1962, in accordance with General Assembly resolution 1721 B (XVI). Information contained therein is provided on a voluntary basis by Member States and also issued in United Nations documents in the A/AC.105/INF series. In addition, the Registration Convention of 1976 requires States Parties to maintain an appropriate registry of space objects they launch into outer space, and further to transmit certain information concerning each space object carried on their registries to the United Nations Secretary-General. The United Nations Secretariat maintains a second register in which this information is recorded and to which there is full and open access. Aside from the United Nations, various space agencies and organizations around the world monitor, record and track objects launched into outer space.

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Where can I get more information on space law and other legal documents relating to outer space ?

Information can be obtained from legal libraries (handbooks, legal journals, periodicals), universities, space agencies and also numerous Internet sites relating to outer space. Furthermore, a list of international agreements and other available legal documents relevant to space related activities (and where they might be found) has been prepared by the Office of Outer Space Affairs as a reference document for the member States of the Committee on the Peaceful Uses of Outer Space. This document will be updated as more information becomes available to the office, a [PDF version of the current document is available here](#).

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