

International Responsibility for Activities in Outer Space in the Modern Space Age

Article VI of the Outer Space Treaty in the context of
international space law and public international law

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This thesis analyses the legal regime for international responsibility for activities in outer space, and with that, its central provision under international space law: Article VI of the Outer Space Treaty. The topic is assessed from the angle of public international law, and interprets Article VI of the Outer Space Treaty as an integral part of the international legal system. The analysis takes recourse to international responsibility law and the law of treaties. The result is a legal assessment of Article VI of the Outer Space Treaty that extends to States' obligations in respect of space activities carried out by their non-governmental entities – a perspective of particular relevance at a time of considerable changes in the space industry, referred to here as the modern space age.



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Abstract:

This dissertation is set in the context of the modern space age, which is characterised by an overall increase in space activities on a global scale and a relative increase in private and commercial space activities. Space has become a business case.

This study analyses the principle of international responsibility for activities in outer space as mainly codified in Article VI of the Outer Space Treaty. The research differentiates four central aspects that, combined, provide a thorough and extensive assessment of the research topic. The study concludes that:

- (1) International space law is a special field of public international law and can best be analysed by taking into account relevant norms of public international law;
- (2) The legal regime of international responsibility for activities in outer space draws on norms of international space law, norms of international responsibility law, and norms of the law of treaties. Its conception closely resembles the conception of international responsibility under international responsibility law, however, with the crucial difference that it applies a deviating regime of rules of attribution: States can incur international responsibility for all 'national activities' carried out by non-governmental entities under their jurisdiction;
- (3) International responsibility for activities in outer space must be considered in relation to other central concepts of international space law such as the regime on liability or the framework on registration of space objects. In this study, the assessment is limited to the elements of 'launching State' and 'State of registry'. The analysis uses a differentiation between static and dynamic norms and assesses their interrelation with Article VI of the Treaty;
- (4) The activities of non-State actors are regulated by Article VI Sentence 2 of the Treaty, which constitutes a primary norm of international law. It requires these activities to receive 'authorisation' and 'continuing supervision' by the 'appropriate State party'. Interpretation of these elements clarifies the international legal obligations that State parties to the Outer Space Treaty are under by virtue of Article VI Sentence 2.

This study provides methodologies for interpreting international responsibility for activities in outer space in a contemporary context. The analysis shows that the legal regime for international responsibility for activities in outer space remains applicable and relevant, and stands ready to serve as a legal framework for the years to come. Given the characteristic of international responsibility as enforcement mechanism under international (space) law, this finding is of considerable importance.

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To the space lawyers out there

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