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Responsibility, Liability and Registration under Space Law Treaties

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Articles VI, VII and VIII of the 1967 United Nations Outer Space Treaty constitute the core of space law as far as civilian activities are concerned.

Article VI deals with State's Responsibility

Article VII with State's Liability

Article VIII with registration of space objects.

1. Responsibility of States for “National Activities” in Outer Space -Article VI-

- Every activity in outer space is under the authorisation and permanent supervision of a State, the State whose nationals are conducting these activities.
- They must assure that they are carried out in conformity with international law.
- Article VI of the treaty even précised that this apply to governmental and private activities as well

- Governmental activities are free in Outer Space as far as they respect international law.
- Private activities are welcome in Outer Space but must be conducted in accordance with international law under the strict control of a State
- In practice it means that when private activities are conducted in Outer Space by their nationals, States should have a domestic legislation in order to be able to control them efficiently.

II Liability of the “Launching State”

- **VII of the 1967 Outer Space Treaty**
- **1972 UN Liability convention**

The rationale of the Liability of States: a victim oriented mechanism

the notion of Launching State.

- A State that launches a launch**
- A State that procures the launching**
- A State from whose territory**
- A State from whose facility an object is launched,**

When there is more than one Launching State, they are jointly and severally liable

i.e. any of them may have to pay compensation for the whole damage

The victim may choose among the Launching States the most likely to pay

- **The plurality of Launching States is a guarantee for the victims**
- **It is a problem for the Launching States**

The extent of the liability

The Liability Convention is very efficient for the victim not taking part in the adventure (damage on earth) .

A large liability

- ○ **Objective liability**
- ○ **liability is unlimited in amount**
- ○ **The liability is unlimited in time**
- ○ **No exoneration**

**The liability convention does not
apply to damage**

To a launching State's national

To foreign nationals taking part

Space law must deal with this issues

If a State is at risk to be considered as a Launching State it should consider it carefully to avoid the obligation to pay for compensation.

These agreements are of major interest

They do not prejudice the right of the State of the victim

They do not share the liability itself

but

they share what is the most important :

The obligation of compensation

These agreements may

- **put the risk of the launch phase on the State which launches / State of the installations**
- **put the risk of the space object when launched on the State which controls the space object**
- **protect the other launching States from having to pay for damage caused by other States' pay loads.**
- **protect the State of the territory when it does not really take part to the launch**
- **Etc...**

3 Registration of space objects

- Article VIII of the 1967 Outer Space Treaty
- 1961 UN GA Resolution on registration
- 1975 UN Registration Convention

- Two aims for registration
 - Indicate at least one liable “launching State”
 - Give jurisdiction and control over the space object according to article VIII of the Outer Space Treaty

- Two levels of registration:
 - National register
 - UN register

If there are more than one Launching State they
“shall jointly determine which one of them
shall register”

Conclusion

- States which conduct activities in Outer Space must be aware of the legal framework
 - They should consider their role of control and liability
 - They should consider the possibility of international agreements between potential launching States
 - They should consider domestic legislation or regulation



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