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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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