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# PRESENTAZIONE DEL VOLUME

## Informazioni generali

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## Informazioni sul volume

The teaching of space law is not broadly extended in Academia. With few exceptions, space law is a part of international law and, among its specialized sectors, still seems the most esoteric one. Just as an example, space law is a subject to which the Hague Academy of International Law, the prestigious institution inaugurated in 1923, has devoted, since its origin, nine courses. Most recently, I was called to give a special course titled "*Les activités spatiales internationales entre droit public et droit privé"* and I realized how space law had profoundly evolved to reflect the evolution of space technology. Thus, the 1967 Outer Space Treaty (OST), adopted at a time when States were the only space operators, raises the issue of its suitability to face the increasing commercialization of space activities within the new space economy. The fundamental principles laid down in the Treaty, such as the freedom of exploration and use of outer space, the freedom of access to celestial bodies and scientific research, as well as the prohibition of national appropriation, continue to constitute the key pillars of the international legal regime of space activities. Some of these principles have acquired the nature of customary international law in the general interest of the international community, as confirmed by the subsequent practice and *opinio iuris* of States. Furthermore, Art. VI of the OST, following

which States bear international responsibility for all their national activities in outer space, whether carried on by governmental agencies or by private entities, continues to be the cornerstone of the international legal regime of outer space.

However, the OST appears in some ways an ageing Treaty, that ignores new space applications, such as space services on-orbit, active removal of space debris, space mining, mega constellations of mini-satellites, space tourism or suborbital flights. This has led some States to adopt national legislation that interprets unilaterally the scope of certain obligations of the OST, mainly in the field of private exploitation of natural resources of the celestial bodies.

This tendency could raise a real risk of overlapping claims, at a moment when the threats posed by the growing quantities of space debris, together with the intentional creation of such debris through tests of anti-satellite weapons, would require the adoption of new rules of behavior for the responsible use of outer space. Thus, the UN are engaged in negotiations for the promotion of non-legally binding norms for the long-term sustainability of space activities and responsible conduct in outer space. At the same time, forthcoming missions are opening new horizons for humankind in outer space, such as the projects for returning to the Moon and for a permanent human presence on celestial bodies. The Artemis Accords signed in 2020 by 8 countries, including Italy, are the most recent instrument to set up a framework of legal principles applicable to the implementation of a space program aimed at bringing the human being back to the Moon and next to Mars.

Legal doctrines are therefore expected to promote the adaptation of the existing regulatory framework to the new needs of humanity in space, and the preservation of a safe, secure, and sustainable outer space for peaceful purposes. A key element continues to be the correct implementation by States – within their own legal systems – of the norms, rules and good practices established to foster the new uses of space. This is not a matter of colonizing the cosmos as happened in the past on the Earth's continents, but of setting out a legal groundwork for the possible expansion of human civilization beyond national jurisdiction and into celestial space.

*The Law of Outer Space Activities* is in line of continuity with my previous contributions on space law, a notion that encompasses at the top international space law, including the law of international organisations and of the European Union, and at the bottom national space legislation. The volume provides a complete overview of the subject with special regard to State practice and is structured in XXI chapters, starting from the sources of space law, the UN space treaties and other legally and non-legally binding instruments adopted at the international, regional and national level. It also covers the functioning of the main institutions dealing with space-related matters such as the United Nations, the International

Telecommunication Union, the European Space Agency and the European Union. Furthermore, it carries on an analysis of modern and prospective forms of the exploration and use of outer space, such as satellite communications and remote sensing, exploitation of mineral resources of celestial bodies, protection of the outer space environment and its sustainability. The last part deals with the legal issues raised by the military uses of outer space and the growing tendency inaugurated by the most important space powers to consider such an area beyond national jurisdiction as a warfare domain. In this line, the book refers to the many negotiations I had the opportunity to follow personally, such as those concerning the EU proposal for an International Code of Conduct on outer space activities (ICoC), the Group of Governmental Experts on Transparency and Confidence Measure in space (TCBMs) and the following Group on the Prevention of an Arms Race in Outer Space (PAROS).

In my academic and professional career, I have dealt with many different shades in the realm of international law, but I can admit that space law has been the adventure of a lifetime. After many years of teaching and engagement in national and multilateral institutions, I thought that time was ripe to synthesize in a single text the basic features of the law of outer space, to be put at the service of enthusiast young students and practitioners. I hope that this book may stimulate the next generations of space lawyers.