

The Regulation of Space Use Under International Law

Dr. Bouaoune Nidhal ¹

¹ Lecturer Class A, Mohamed Boudiaf University of M'sila, Faculty of Law and Political Science, Department of Law – Algeria. Email: nidhal.bouaoune@univ-msila.dz

Abstract---Every legal system is based on principles that give it compulsory power in its application. Since space law is a branch of public law, it has helped establish several principles originally developed within space law that now fall under general international law. These principles may be of a special nature, i.e. they are specific to space law and not to other branches of public law. The international system has adopted several principles on which the organisation of outer space shall be based, in accordance with a system of equality that maintains international peace and security. Referring to General Assembly resolution No. 1962 of 13 December 1963 and the 1967 Space Treaty, we find the principles on which this Regulation is based.

Keywords---space law, international responsibility of the launching state, outer space, astronauts, celestial bodies.

Introduction

Technological development and scientific research have become a reality for countries that wish to keep up with the developments witnessed by the world in the last period of this era, which emerged through scientific and technological progress. Perhaps the most important thing that has been explored and attempted to be controlled is outer space, which some countries are racing to reach through their technological development and awakening.

The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, affirms that outer space shall be used for the benefit of all nations, regardless of their economic or scientific advancement. This treaty is based on the principles of non-discrimination and equal access for all nations, in accordance with international law,

How to Cite:

Nidhal, B. (2025). The regulation of space use under international law. *The International Tax Journal*, 52(6), 3139–3149. Retrieved from <https://internationaltaxjournal.online/index.php/itj/article/view/310>

The International tax journal ISSN: 0097-7314 E-ISSN: 3066-2370 © 2025

ITJ is open access and licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License.

Submitted: 20 May 2025 | Revised: 23 August 2025 | Accepted: 26 October 2025

for the benefit of all mankind. It also establishes the principle of free access to all areas of celestial bodies and prohibits the assertion of any right of ownership or sovereignty over outer space¹.

This raises the following problem: What principles regulate the activities of states when exploiting outer space?

This main problem encompasses a series of questions linked to the research plan, which can be summarised as follows:

Can outer space really be exploited?

To what extent are countries willing to establish a comprehensive legal framework that respects the rights of states to exploit this vast area?

Have these agreements and treaties succeeded in establishing principles that would give outer space independence and prevent developed countries from claiming ownership?

What is the position of underdeveloped countries regarding these agreements?

In order to answer these questions, a descriptive approach was adopted, providing a comprehensive description of outer space, the most important associated agreements and treaties, and the methods of exploitation. The analytical approach involved collecting legal materials, analysing them, and attempting to link them to the freedom to exploit outer space. Accordingly, the study was divided into two sections.

The first topic: Uses of outer space

Chapter Two: Helping Astronauts

Vehicles are subject to the competent state.

The first topic: Use of outer space

Optimising the use of outer space is of paramount importance in increasing international competitiveness, and is usually linked to the extent of absolute freedom that states have without causing harm.

Accordingly, we will talk about the freedom to exploit this area in the first requirement, and the exceptions that limit the latter in the second requirement.

The first requirement is freedom to use outer space.

Article 1 of the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space stipulates the freedom to explore and use outer space, as well as the Moon and other celestial bodies². Today, all countries are granted complete freedom to use outer space, based on non-discrimination and equality³. This freedom cannot lead to chaos under any circumstances; rather, it is freedom within the framework of international law.

Article 3 of the 1967 Treaty emphasises the importance of state practice for the right to exploit outer space. This must take place within the framework of what is dictated by the law, and in a manner that does not conflict with the principles of international law and the Charter of the United Nations. It is also noted that the rules are similar to those recognised by traditional international law in relation to the high seas⁴.

This has been confirmed in the recommendation contained in Resolution No. 1721, issued at the 1085th plenary meeting of the 6th session of the United Nations General Assembly in 1961, where all countries are prohibited from owning outer space. It has also been confirmed in the official declaration contained in Resolution No. 1962, adopted at the 18th session of the General Assembly on 13 December 1963, which states that it is not permissible for national ownership of the external domain to be claimed under the pretext of sovereignty, or through use, possession, acquisition, or by any other means. This is also set out in the Treaty concluded pursuant to United Nations General Assembly Resolution No. 2222 on 9 December 1966, in its second article, which states:

'No national ownership of the external sphere is permitted by claim of sovereignty, by use, possession, occupation or by any other means.

As the majority opinion and most international law scholars agree, outer space is not the property of any nation. Charles Chaumont, in his book *The Law of Space*, confirmed that outer space is in the service of humans, but that does not mean that they own it. Pasini Costadoat, in his book *El Espacio*

Aereo, published in Buenos Aires in 1955, saw the absence of national sovereignty in outer space as leading to shared sovereignty among states⁵.

The second requirement is exceptions to the use of outer space.

The Space Treaty includes general legal procedures and rules in this regard. Article 9 requires the signatory parties to avoid polluting space and celestial bodies, and to preserve the terrestrial environment (Article 4).

The treaty confirms the ban on using airspace or celestial bodies to store nuclear weapons or weapons of mass destruction. This ban does not address espionage by satellite stations.

Article 3 stipulates that space activities must aim to establish international peace and security, and to stimulate international cooperation and understanding.

Monitoring foreign territories may not be considered an act of cooperation, although it could be argued that it contributes to security⁶.

On the other hand, Article 12 of the treaty explicitly allows the States Parties to monitor space facilities established on celestial bodies or the moon, provided they give prior notice of their visit to allow the necessary measures to be taken⁷.

Correct knowledge of the use of outer space for peaceful purposes, as approved by international treaties and agreements, must prohibit and ban its military use, as it is possible to achieve these goals through organised international efforts towards disarmament. The most obvious example of this is the non-use of weapons in outer space. However, since disarmament is considered one of the most important and complex problems facing this era, there have been many attempts to achieve it. There have also been attempts to reduce it through international cooperation, as well as the efforts of the United Nations and international agreements on the demilitarisation of space⁸.

It is inconceivable that military personnel would be used for scientific research purposes. It is also added that they are not prohibited for scientific research purposes or any other peaceful purposes. Accordingly, the use of any equipment or facilities necessary for the peaceful exploration of the Moon and other celestial bodies cannot be prevented. This is, on the one hand, and, on the other hand, the texts of the treaty prohibit the use of the Moon and other celestial bodies for military purposes, whether by establishing military bases on them or conducting military experiments. However, this prohibition is limited to nuclear weapons and other weapons of mass destruction; the texts do not prohibit the placement of conventional weapons in orbit around Earth or in outer space. This is the interpretation adopted by the major powers⁹.

Chapter Two: Helping Astronauts

Vehicles are subject to the competent state.

The conquest of outer space has led to several problems, which have highlighted the importance of international cooperation in helping astronauts if they are involved in an accident or any other ordeal. Countries consider astronauts to be messengers of humanity to outer space, and they also consider the devices used in space vehicles to be of great importance, as these devices express the extent of the technological development that countries have reached.

Our study will therefore first focus on assisting astronauts and the subjection of spacecraft to the jurisdiction of the country of registration (the first requirement), and secondly on the international responsibility of the launching state (the second requirement).

The first requirement is to help astronauts. Vehicles are subject to the jurisdiction of the country of registration

The concern is to help astronauts and return objects launched into space, which are topics included in the United Nations mandate. Given the interest of the Soviet Union, the United States of America and many other countries, representatives of some countries expressed their views on this subject. They considered that this agreement is a bold step towards formulating outer space law, and an expression of support for international cooperation in the exploration and use of outer space for the purpose of establishing international peace and security, reducing international disputes and affirming humanitarian considerations¹⁰.

Thus, at the request of the Soviet delegation and the United States of America, the Legal Subcommittee met in a special session on 14 December 1967. The texts of the draft agreement received collective approval on 15 December 1967 and were then presented to the General Assembly, which unanimously approved them on 19 December 1967. The agreement was signed in London, Moscow and Washington on 22 April 1968 and came into force on 3 December 1968¹¹.

Article 1 of the agreement states that notification must be made to the relevant state and the Secretary-General of the United Nations without delay using all possible means¹².

Article 2 states that in the event of accidents, distress or forced or unintended landing, the states parties must hasten to rescue those affected and provide all possible assistance, informing the relevant authority and the Secretary-General of the United Nations¹³.

Article 4 emphasises the principle of assistance even if the incident occurs on the high seas or in any other place not subject to its sovereignty¹⁴.

Article 5 notes and emphasises the importance of international cooperation in safely returning astronauts to their respective countries¹⁵.

If the launching state is subject to the control of the contracting state when providing assistance on its territory, Article 2 does not decide on the issue of determining whether this assistance is of advanced technical and scientific value. This undoubtedly raises concerns for regional states that are not involved in space activities. This allows the launching state to intervene unilaterally in the territory of the contracting state under the pretext of providing assistance in search and rescue operations. Scientific reality shows the value of the advanced state of rescue launches due to their advanced scientific and technical expertise in this field.

Article 5 of the rescue and reinstatement agreement confirms this. The agreement requires contracting parties that obtain information or discover a space object or one of its components that has returned to Earth in areas under their control, on the high seas or in any place not under the jurisdiction of any state, to inform the authorities of the launching state and the United Nations Secretariat. They must then return such objects to the launching state, except in cases where the object poses a danger or affects health¹⁶.

Article 3 of the Space Treaty stipulates that objects launched into outer space remain the property of the launching authority. The Rescue and Return Agreement complements this provision by obligating the states concerned in Article 5 to take the necessary measures to return any found object or its parts to the launching authority. This is done at the authority's request and with their assistance. The third paragraph obliges the states concerned to inform the launching authority and the Secretary-General of the United Nations when they discover any launched object or its parts returning to Earth, whether within or outside their territory.

The fourth and fifth paragraphs state that, if any space object or any of its parts are discovered, the launching authority must notify the relevant state and take all necessary measures to eliminate the danger, bearing all related expenses¹⁷.

As for space objects, they were addressed and identified as follows:

A spacecraft is a vehicle designed to be placed in orbit around the Earth or another celestial body, or pushed through space¹⁸. It is divided into five types according to its purpose, which are:

Satellites are vehicles that orbit the Earth at an altitude ranging from 100 miles to several thousand miles and perform tasks usually connected to Earth, such as reconnaissance and communication. Thousands have been launched since the beginning of the space age.

Unmanned space probes are spacecraft that leave Earth's gravitational pull completely and travel to the Moon via other planets in order to conduct scientific experiments and take measurements. The same applies to both manned and unmanned vehicles. Their missions are more difficult and complex, representing the pinnacle of technology in the space industry. The most notable examples are the Apollo, Soyuz and Space Shuttle programmes. They are entrusted with carrying out tasks that may be dangerous or impossible for humans, such as landing on Mars. One example of these sophisticated vehicles is the American Viking spacecraft that landed on the surface of Mars. Space stations represent human attempts to colonise space; the most important are "Salt", "Mir", "Skylab" and "Alpha"¹⁹.

If the principle of freedom of space is agreed upon by the international community, the activities carried out there would not be subject to any authority, just as ships on the high seas are subject exclusively to the jurisdiction of their flag state in terms of the results of their maritime activities²⁰.

There was a discrepancy in that the right to own space accessories was limited to the public sector of the state and not its private sector. Jurists disagree on the issue of state ownership of spacecraft and their control after launch. Dr Ibrahim Shehata summarises these differing views as follows:

'Some jurists believe that once a vehicle leaves airspace, it becomes abandoned property and the state that launched it loses its ownership rights.'

Another opinion is that the vehicle becomes lost property and must therefore be returned to its owner if it comes into someone else's possession.

A third view differentiates between a vehicle released with the intention of recovering it and one released without this intention. In the first case, ownership remains and it is not considered lost property. However, in the second case, a vehicle that falls into the territory of a foreign country becomes the property of that state, which alone has the right to dispose of it.

Another trend simply states that returning the vehicle to the country that launched it is subject to the domestic legal rules regarding lost and abandoned property in the country where it crashes.

Another trend has been to draw analogies with the rules that apply to aircraft invading foreign airspace²¹.

Through its General Assembly resolutions, the United Nations decided to settle these disputes by creating a convention entitled 'The Convention on Registration of Objects Launched into Outer Space of 1975'. Signed in New York on 14 January 1975, it entered into force on 15 September 1976. Initially signed by 25 countries and ratified by 5, it was subsequently joined by many more. This agreement complements and implements Articles 7 and 8 of the Space Treaty, as well as the registration system in force at the United Nations Secretariat since Resolution 1721 was adopted on 20 December 1961. The agreement includes a preamble and twelve articles²².

In its first article, the Convention begins by defining terms taken from the Liability Convention, such as 'launching state', meaning the state that launches or undertakes the launch, or the state from whose territory or facilities a space object is launched.

A space object is defined as the components of a space object, excluding launch vehicles and their equipment. The State of Registry is the launching state or the state in whose registry the space object is registered, in accordance with Article Two of the Convention²³.

The first paragraph of Article 2 requires states or the launching state to register their space objects in an appropriate registry and to maintain it. It also requires them to inform the Secretary-General of the United Nations of the establishment of such a registry.

The second paragraph clarifies that, if two or more launching states are involved with a space object, they must agree on who will undertake the registration task in accordance with the first paragraph, taking into account the provisions of Article 8 of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Celestial Bodies²⁴.

Article 3 stipulates that the Secretary-General of the United Nations shall keep a register in which all open and complete information is recorded²⁵.

As for Article 4, its first, second and third paragraphs stress that states that have registered their space objects should provide the Secretary-General of the United Nations with the specified information on these objects.

- a) The name of the state or launching country;
- b) A designation indicating the space object or its registration number;
- C. The release date and the region or place where it was launched;
- D. Its basic orbital features, including:
 - 1. Contract period
 - 2. The inclination
 - 3. The apogee
 - 4. The bottom
- E. The general function of the space body.

Provide all additional information about any space object registered in its registry, and any celestial bodies that had previously sent information about them and were in Earth's orbit, but are no longer²⁶.

This Agreement also applies to international governmental organisations when they engage in space activities, provided that they accept the rights and obligations set out in the Convention, and that the majority of their States Parties are parties to this Convention and the Space Treaty²⁷.

As for its other provisions, specifically Articles 8 to 12 of the Convention, these deal with procedures that are found in other international agreements related to outer space²⁸, with one difference: the instruments of ratification and accession are deposited with the Secretary-General of the United Nations, unlike previous agreements where the instruments of ratification were deposited with the designated depositary government²⁹.

The second requirement is the international responsibility of the launching state.

Promoting the peaceful exploration and use of outer space is in the interest of all humanity. Despite the precautionary measures that states and international and intergovernmental institutions must take when launching space objects, it is clear that the latter may cause harm. Therefore, effective international rules must be created regarding liability for damages caused by the bodies of satellites, particularly ensuring the prompt payment of full and fair compensation to victims of such damages. Under these rules, which support international cooperation in the peaceful exploration and use of outer space, the launching state is responsible for paying compensation for damage caused by its space object to the Earth's surface or aircraft in the air³⁰.

The 1972 Convention on International Liability Caused by Space Objects provided specific definitions for some of the terms contained in the Convention in its first article, which stated that:

For the purposes of this Agreement:

- (a) 'Damage' means loss of life, personal injury or other damage to health, or loss or damage to the property of a state, natural or legal persons, or international governmental organisations;
- (b) The term 'launch' also means an attempt to launch.
- (c) The term 'absolute State' means the following:
 1. The State that launches or arranges the launch of a space object.
 - (2) The State whose territory or facilities are used for the launch of a space object.
- (d) The term 'space object' includes the component parts of the space object, as well as the launch vehicle and its parts³¹.

The Liability Convention sets out the rules governing liability for damage arising from space activities, which are human activities related to the exploration and use of outer space. This includes activities such as designing, manufacturing, launching and operating space objects in outer space³².

First branch: definition of 'launch'

Paragraph (b) of Article 1 of the Liability Agreement states that the term 'launch' means 'attempt to launch'. However, this text does not provide a precise definition of the launch process itself. This can be compared to the text in English, which states: 'Launching includes attempted launching', where we notice that the text uses the word 'includes' and not 'means', showing that launching includes an attempt to launch and may include other things³³.

The second branch: definition of launching country

The Outer Space Treaty affirms that the launching state bears full responsibility, as stated in Article 7: 'Each State Party to the Treaty which launches or permits the launching of any object into outer space, including the Moon and other celestial bodies, and each State Party which launches an object from its territory or from its facilities, shall be internationally responsible for damage caused to any other State Party to the Treaty or to any of its natural or legal persons because of that body or its parts above the Earth or in airspace or outer space, including the Moon and other celestial bodies.'³⁴

The 1968 Treaty on the Rescue and Return of Astronauts and the Return of Objects Launched into Outer Space uses the term 'absolute authority'. Automated launch authority³⁵.

Article 6 of the agreement states that, in this agreement, the term 'launching authority' refers to the state responsible for the launch or the organisation concerned when an international governmental organisation is responsible for the launch. This applies provided that the organisation has declared its acceptance of the rights and obligations set out in this agreement, and provided that the majority of its member states are contracting parties to this agreement and to the treaty on principles governing the activities of states in the exploration and use of outer space, including the moon and other celestial bodies³⁶.

The 1972 International Liability Convention defines the launching state as follows in its first article:

'The expression "absolute state" means:

1. The state that launches or arranges the launch of a space object;
- 2) The state that uses its territory or facilities to launch a space object³⁷.

It is noteworthy that the similarity in the definition of the launching state is clear in both the Outer Space Treaty and the Liability Convention³⁸. By studying the concept of the launching state as the state that bears international responsibility for damage caused by space objects in a three-year action plan, the Legal Subcommittee on the Peaceful Uses of Outer Space (COPUOS)³⁹ has identified four categories of launching state:

The country that launched the space object; the country that managed body release space; the country from whose territory the space object was fired; and the country that launched a space object using its facilities.

The launching state is the state from whose territory the launch occurs, regardless of whether it owns the launcher or the space payload⁴⁰. The state that arranges the launch finances the operation and usually owns the space payload. In this case, the launching state is the one whose vehicles are used in the launch process. The state that owns the space object or finances the launch process⁴¹ is the one that arranges it. However, the launching state is the one from whose territory the launch takes place, regardless of whether it owns the launchers or the space payload⁴². The state that launches a space object using its facilities provides them for the launch process, e.g. its launchers⁴³.

There is general agreement among states on the principle that states bear international responsibility for damage caused by space objects⁴⁴, as confirmed by Article 6, paragraph 1, of the Outer Space Treaty. This states that 'States Parties to the Treaty shall bear international responsibility for all national activities in outer space, including the Moon and other celestial bodies, whether undertaken by governmental or non-governmental bodies, and for ensuring that such national activities are undertaken in accordance with the principles established in this Treaty'⁴⁵. In other words, states bear responsibility for their national activities in outer space, including those carried out by bodies affiliated with states parties. Or non-governmental organisations. Non-governmental organisations carrying out these activities must obtain a permit from the government and be under its continuous supervision. When space activities are carried out through international organisations, responsibility for respecting the principles lies with the organisation and its member states⁴⁶.

This article emphasises that the State Party to the Treaty must grant a licence to non-governmental bodies engaging in space activities and exercise ongoing control and supervision over these activities⁴⁷. Article VII of the 1967 Convention on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, places international responsibility on states launching or permitting the launch of a space object, or on any state from whose territory or facility a space object is launched, for any damage caused by that object or its parts above Earth, in outer space, or in the air⁴⁸.

Article 2 of the International Liability Convention confirms that responsibility falls on the launching state. It stipulates that the launching state is absolutely responsible for paying compensation for damage caused by its space object on the Earth's surface or to aircraft during their flight⁴⁹, whether it is the state whose territory is used, the state that arranges the launch, or the state whose facilities are used to launch the space object.

In the case of participation in space projects, countries are jointly and severally responsible for any damages caused by the launch of a space object. The country that pays compensation has the right to claim from all participants in the launch. Participants in the launch can conclude agreements among

themselves regarding the distribution of their financial obligations, for which they are jointly and severally responsible. Even countries whose territory or facilities are used for launching space objects are considered participants in the launch process⁵⁰.

The International Liability Convention imposes absolute liability for damage caused to the Earth's surface or to aircraft during flight, as stipulated in Article Two of the Convention, which requires compensation for such damage. Thus, for any other damages not mentioned in the text, the launching state is responsible on the basis of fault⁵¹. Article 1 of the Convention defines 'damage' as loss of life, personal injury or other damage to health, or loss or damage to the property of the state, natural or legal persons, or international governmental organisations⁵².

Absolute liability may be waived if the launching state can prove that the damages arose, in whole or in part, as a result of gross negligence or default on the part of the claimant state or the natural or legal persons represented by it, with the intention of causing damage. However, there shall be no exemption in the case of damages arising from activities undertaken by the launching state that violate international law, the Charter of the United Nations and the Treaty Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other celestial bodies⁵³.

Article 7 also exempts the launching state from liability towards its own citizens, as well as foreign citizens, for their participation in launching this body.

'The provisions of this Convention shall apply to damage caused by a space object of a launching State to the following persons:

a. Citizens of the launching state;

B. Foreign nationals participating in the operation of such a space object, from launch until landing or while present in the immediate vicinity of an intended launch or recovery area, at the invitation of the launching state⁵⁴.

Claims for compensation shall be submitted to the launching state through peaceful means or via the Secretary-General of the United Nations, provided both the claiming state and the launching state are members of the United Nations⁵⁵.

Claims for compensation for damages against the launching state must be made within one year of the occurrence of the damages or the date on which the launching state determines responsibility, and in any case no later than one year after either of these dates. However, Article 10, paragraph 2 of the Liability Convention stipulates that if the responsible launching state cannot be determined, a claim may be submitted within one year of the date on which the state actually became aware of the relevant facts. This period shall not exceed one year from the date on which it could reasonably be assumed that the state was aware of the facts, had it taken reasonable care to ascertain them. After the aforementioned periods have expired, the claiming state has the right to amend its claim and submit additional documents, even if more than one year has passed since it became aware of the full extent of the damages⁵⁶.

Conclusion

The international community has been keen to establish legal rules governing the use and exploitation of outer space for the public good. The hope is to limit the control and dominance of major powers over this sensitive area, which serves to extend the sovereignty of some states and deprive others of it. This has been achieved by establishing international principles that define the extent of state sovereignty in exploiting outer space for the public good.

Therefore, based on the aforementioned study, we present the following results and recommendations:

Results:

- The concept of outer space has been defined in international law, having previously existed only on paper.

The disappearance of the concept of state sovereignty in outer space, countered by international cooperation in various outer space-related fields, particularly assisting developing countries, who are most affected by technological backwardness in this area.

Generalising the exploitation of outer space to all countries and establishing a legal system that defines what countries have and are responsible for in the exploration process. Emphasising that no country has the right to exploit outer space, claim sovereignty or possession, or occupy it.

Suggestions:

- Encourage states to explore and exploit outer space for the common good and to exercise their activities freely without harming the interests of other states, as confirmed by the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Countries are obliged to direct their activities in the field of exploration and use of outer space by applying and observing international law, including the Charter of the United Nations, in order to maintain international peace and security, and to promote international cooperation and understanding. Establish an international body to monitor space activities and introduce new procedures to encourage international cooperation in the best possible use of outer space.

- Establish a special court to adjudicate matters of harm resulting from active space activities and to adjudicate compensation cases, as well as the Law of the Sea, in the same way that the Hamburg Court of the Law of the Sea was founded within the framework of international law, which applies to all ocean spaces, their uses and their resources.

Footnotes:

¹- Article 1 and Article 2 of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, 27 January 1967.

See:

M. Virally, *Panorama du droit international contemporain*, Académie de droit international, Recueil des cours, 1983, V, tome 183, p. 162.

²- See: Ghazi Hassan Sabarini, previous reference, p. 255.

³- Article 1, paragraph 3 of the 1967

⁴- Space Treaty:

Salah El-Din Amer, 'Introduction to the Study of Public International Law', previous reference, p. 896.

Article 3 of the 1967 Space Treaty states:

'In carrying out their activities in the exploration and use of outer space, including the Moon and other celestial bodies, the Parties to the Treaty undertake to observe international law, including the Charter of the United Nations, with a view to maintaining international peace and security, and promoting international cooperation and understanding.'

See also: Farouk Saad, previous reference, p. 86.

Prince Henry of Hanover concluded his 1952 letter on outer space by emphasising that the area beyond airspace must be a free zone for reasons related to the law of nature, on which those considerations are based, as well as the necessities of the political and scientific communities. Schachter considered that outer space cannot be subject to national sovereignty because it is a *res communis*, like the high seas and public waters. Meyer went on to say that, in his opinion, the freedom of outer space is based on the impossibility of actual control over it and the lack of sufficient data on its borders, nature and contents. Jenkins attributed the freedom of space to its inability to be owned, as it is a form of property that cannot be possessed. Daniel considered that the freedom of space benefits human relations by limiting sovereignty to airspace without extending it to outer space.

⁵- Farouk Saad, previous reference, p. 95 and following.

⁶- Articles 3, 4 and 9 of the 1967 Space Treaty stipulate that:

On 14 November 1957, the United Nations General Assembly resolved that a control method should be studied to ensure that spacecraft are launched only for peaceful and scientific purposes.

⁷- See: Article 12 of the 1967 Space Treaty.

⁸- For more information, see Leila Ben Hamouda, *International Responsibility in Space Law*, Dar Houma for Printing, Publishing and Distribution, Algeria, 2009, pp. 248 ff.

The most prominent agreements concluded in this regard are: the 1963 Moscow Treaty on the Prohibition of Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water; the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, approved by the General Assembly under Resolution No. 2373; the 1959 Antarctic Treaty; and the Treaty on the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco, 1967). It is worth noting that there are also bilateral agreements in this regard, including: SALT I (1972), amended by the 1974 Protocol; SALT II (1979); and the Strategic Arms Reduction Treaty (START) (1993). (Leila Ben Hamouda, same reference, p. 255 et seq.).

See also: Farouk Saad, previous reference, p. 86.

Prince Henry of Hanover concluded his 1952 letter on outer space by emphasising that the area beyond airspace must be a free zone for reasons related to the law of nature, on which those considerations are based, as well as the necessities of the political and scientific communities. Schachter considered that outer space cannot be subject to national sovereignty because it is a *res communis*, like the high seas and public waters. Meyer went on to say that, in his opinion, the freedom of outer space is

based on the impossibility of actual control over it and the lack of sufficient data on its borders, nature and contents. Jenkins attributed the freedom of space to its inability to be owned, as it is a form of property that cannot be possessed. Daniel considered that the freedom of space benefits human relations by limiting sovereignty to airspace without extending it to outer space.

Farouk Saad, previous reference, p. 95 and fo.

⁹- Salah El-Din Amer, 'Introduction to the Study of Public International Law', previous reference, p. 897.

¹⁰- Treaty on the Rescue of Astronauts and the Return of Astronauts, signed on 22 April 1968.

¹¹- Laila Ben Hamouda, previous reference, p. 139.

There were 96 signatures and 48 ratifications, after which other countries joined. As for Algeria, it has not yet signed or ratified the treaty. For more information, see the marginalisation of Leila Ben Hamouda in the same reference, p. 139.

¹²- Article 1 of the 1968 Convention on the Rescue and Return of Astronauts and the Return of Objects Launched into Space.

¹³- Article 2 of the same agreement.

¹⁴- Article 3 of the same agreement.

¹⁵- Article 4 of the same agreement.

¹⁶- See Mamdouh Farjani Khattab, previous reference, p. 115.

¹⁷- Article V of the Convention on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Space of 3 December 1968.

See: Laila Ben Hamouda, previous reference, p. 141 and following.

¹⁸- See: United Nations Document No. A/AC.105/635/Add.11.

¹⁹- uhammad Bahi al-Din Arjoun, *Outer Space and its Peaceful Uses*, Alam al-Ma'rifa, October 2006, Kuwait, p. 32.

²⁰- Charles Shomon, *Space Law* (translated from the Arabic by Habit Awidat), Awidat Publications, Beirut-Paris, Second Edition, 1982, p. 69.

²¹- Farouk Saad, previous reference, pp. 142–143.

See: The draft submitted by the Soviet Union in the Declaration of Basic Principles Governing Outer Space on 10 September 1962 (United Nations Document No. A/AC.105/L.2 and A/AC.105/C.2/SR.7 on 21 August 1962).

²²- Laila Ben Hamouda, previous reference, pp. 156–157.

See also: Document ST/SPACE/11/Rev.2 from the United Nations Office for Outer Space Affairs (www.unoosa.org).

²³- Article 1 of the 1975 Convention on Registration of Objects Launched into Outer Space.

²⁴- Article 2 of the same agreement.

Article VIII of the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies states that:

Article 2 of the same agreement states the following:

Article VIII of the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies states the following:

'A State Party to the Treaty which records an object launched into outer space on its registry shall retain jurisdiction and control over that object and any persons on board, as well as ownership of its parts, during its existence and presence in outer space or on any celestial body, or upon its return to Earth. It shall return to the State of registry, which is a Party to the Treaty, any objects recorded on its registry or any parts thereof found beyond its borders, provided that, before returning them, the State shall furnish the necessary supporting information upon request.'

²⁵- Laila Ben Hamouda (previous reference, p. 157).

²⁶- Article IV of the 1975 Convention on Registration of Objects Launched into Outer Space.

²⁷- Laila Ben Hamouda, previous reference, p. 158.

See also: The text of Article VII of the 1975 Convention on the Registration of Objects Launched into Outer Space.

See also: Resolution No. 62/101 of 17 December 2007, document no. A/AC.105/891, United Nations Office for Outer Space Affairs.

²⁸- Articles 8, 9, 10, 11 and 12 of the 1975 Space Vehicles Registration Convention.

²⁹- Article 76, paragraph 1, of the 1969 Vienna Convention on the Law of Treaties, Part VII, under the heading 'Depositories, Notifications, Corrections and Registration'.

³⁰- Farhat Abdullah, 'The Legal System of Air and Space', *Army Magazine*, National Defence, Issue 332, Lebanon.

<http://www.lebarmy.gov.lb/article.asp?ln=ar&cid=4363>

See also: Talat Al-Ghanimi, 'The Law of Peace', previous reference, pp. 752–753.

³¹- Article 1 of the 1972 Convention on International Liability for Damage Caused by Space Objects.

³²- Mahmoud Hijazi Mahmoud, 'International Liability for Damage Caused by Space Objects', 2003, pp. 3–4

³³- The same reference, pp. 22–26.

³⁴- Article VII of the 1967 Outer Space Treaty.

³⁵- Mahmoud Hijazi Mahmoud, the same reference, p. 28.

See also: Resolution No. 59/115 of 10 December 2004, UN Doc. No.A/AC.105/787 About the United Nations Office for Outer Space Affairs.

³⁶- Article VI of the 1968 Convention on the Rescue of Astronauts.

³⁷- Article 1 of the 1972 Convention on International Liability for Damage Caused by Space Objects.

See also: Eric David, Cédric van Assche, *International Public Code*, 3rd edition, BRUYLANT BRUXELLES, 2006, P1261.

³⁸- Leila Ben Hamouda, previous reference, 56

³⁹- SH. (Rosenne), 'The Perplexities of Modern International Law', *Académie de droit international, Recueil des cours*, 2001, tome 291, p. 344.

⁴⁰- Mahmoud Hijazi, previous reference, pp. 29–30.

⁴¹- Leila Ben Hamouda, previous reference, p. 56.

In the event of the launch of the Algerian satellite Alsat 2 from the launch pad at the Satish Dhawan Space Centre in Sriharikota, Chennai, India, on 12 July 2010, India is the launching state and Algeria is the launching state.

⁴²- Laila Ben Hamouda, same reference, p. 57.

⁴³- Mahmoud Hijazi Mahmoud, previous reference, p. 30.

⁴⁴- Look: Eric David and Cédric Van Assche, *International Public Code*, op. cit., p. 1260.

See also: Lakhdar Zaza, *Provisions of International Responsibility in Light of the Rules of Public International Law*, Dar Al-Huda, Ain Mlila, Algeria, 2001, pp. 66–67.

⁴⁵- Article 6/1 of the Outer Space Treaty of 1967.

See also: Arjoon Muhammad Bahi al-Din, previous reference, p. 356.

⁴⁶- Abdul Karim Alwan, previous reference, p. 149.

⁴⁷- Laila Ben Hamouda, previous reference, p. 51.

⁴⁸- Article 7 of the Outer Space Treaty of 1967.

⁴⁹- Mamdouh Farjani Khattab, previous reference, p. 118.

See also: Article 2 of the 1972 Liability Convention.

⁵⁰- Article 5 of the 1972 International Liability Convention.

⁵¹- Mamdouh Farjani Khattab, same reference, p. 120.

⁵²- Article 1 of the 1972 Liability Convention.

⁵³- Article 6 of the 1972 Liability Convention.

⁵⁴- Article 7 of the 1972 Liability Convention.

⁵⁵- Article 9 of the 1972 Liability Convention.

⁵⁶- Article 10 of the 1972 Liability Convention.