The Role of International Territorial Administration in (Semi) Permanent Lunar Presence

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Abstract

The aim of this paper is to analyse examples of ITA as a relevant model in administering celestial bodies. Proposed missions to the Moon promise ambitious plans which will change the way humanity perceives (and administers?) our closest celestial neighbour. Examples of ITA, which first emerged in the 19th and early 20th century are valuable resources for understanding how international organisations can undertake administration of increased presence on celestial bodies. In fact, international organisations already perform such powers (i) either vaguely, e.g. through the OST or (ii) through a clear regulatory mechanism that assigns slots in Geostationary orbit. In order for the regulatory framework to get up to speed with developments in space exploration the solution is two-fold: (i) avoid fragmenting debates on niche-topics (resources, cultural heritage, safety standards) but rather tackle them through a comprehensive framework and (ii) allow the UN (or a body designated by the UN) to actively administer activities on celestial bodies. ITA mechanisms developed in the past 100 years, have proven flexible enough to adapt to multiple scenarios and different political realities. Furthermore they allow international organisations to assume powers of administration without acquiring ownership over the territory and are hence in line with the provisions laid down in the OST. The analysed mechanisms in no way represent a magic solutions to all the alleged shortcomings of the current regulatory environment, it is nevertheless important to establish a nexus

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between developed examples of ITA and potential future mechanisms administering activities on celestial bodies.

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1. Introduction

The 38 million square kilometres comprising the Moon is on par with the combined surface of Russia, Europe and the United States.[1] There are however no political borders or territorial claims between the Moon's poles, perhaps also as a result of the shared wisdom of those drafting and negotiating the instruments of international space law throughout the 1960s and 1970s. In past decades, and increasingly in recent years, the interest to sustain (semi) permanent lunar presence is resurfacing to the fore. ESA Director General is open to plans of a "permanent base station on the Moon" that would be open to global cooperation.[2] Further afield, Jeff Bezos has repeatedly shared his vision of moving industrial zones onto the lunar surface, while China aims to set up a scientific research station in the (lunar) south polar region.[3]

The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (hereafter referred to as "OST"), stipulates that "Outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.".[4] In view of the broadly conceptualized provision, a host of questions on jurisdiction, free access, safety, interference, environmental protection, cultural protection and resource utilization should therefore not be fragmented (as often the tendency in recent years) but rather be tackled holistically, respecting the foresight and cooperative spirit of those drafting and negotiating the OST.

1 NASA, "By the Numbers | Earth's Moon", online: *NASA Solar System Exploration* https://solarsystem.nasa.gov/moons/earths-moon/by-the-numbers.

2 European Space Agency, "ESA Euronews: Moon Village", online: *ESA* https://www.esa.int/Education/Teach_with_the_Moon/ESA_Euronews_Moon_Village.

3 Khari Johnson, "Jeff Bezos: Blue Origin is going to the moon to 'save the Earth'", (6 June 2019), online: *VentureBeat* https://venturebeat.com/2019/06/06/jeff-bezos-blue-origin-is-going-to-the-moon-to-save-the-earth/; Xinhua News Agency, "China to build scientific research station on Moon's south pole", (24 April 2019), online: *Xinhua* http://www.xinhuanet.com/english/2019-04/24/c_138004666.htm.

4 *The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies*, United Nations, 27 January 1967 *OST* at Article II.

This paper starts by presenting the mechanism of International Territorial Administration (hereafter also referred to as "**ITA**") as developed from the 19th century onwards. It then proceeds to analyse several relevant examples of ITA as carried out (or proposed) by international organisations. The paper then moves on to argue that holistic and all-encompassing principles used in projects of ITA should be considered when preparing future space activities instead of falling to the trap of fragmented debates on resources, safety standards, planetary protection and cultural heritage, as the stakeholders behind these concerns rarely speak to each other but stay within the closed realms of their own community.

2. International Territorial Administration

2.1. What is International Territorial Administration

ITA roughly translates to forming territorial units administered under an international regime. There is however no standard definition of ITA that would encapsulate all the modalities and examples (described under Chapter 2.2.) of this broad institute which ranges from autonomous areas inside sovereign states to somewhat independent territorial entities.[5]

Historically speaking, ITA is not a novelty, however it hasn't been given much attention in academic circles, and only rare attempts of comprehensive analysis have been made until the early 2000s.[6] It has been even more rare to perceive it as a solution directly fitting the nature of a specific territory, rather it was often implemented as a compromise over national territorial claims, frequently (albeit not always) related to post-conflict scenarios.[7] Kelsen has been a proponent of the theory that the UN, under the Charter, is not empowered to take on the function of a territorial sovereign, although when this question was raised in relation to the Free Territory of Trieste it seems the understanding was that Article 24 (interpreted with the spirit of the Charter in mind) endows the UN Security Council with such (or at least similar) ability.[8]

In any case, it now seems to be generally accepted that the post-World War II framework of Public International Law, allows the UN (or UN-mandated bodies) to assume powers of functional administration for territories in respect to which states have limited or no territorial sovereignty.[9] In practice

5 Malcolm N Shaw, *International Law* (Cambridge University Press, 2008) at 230.

6 Carsten Stahn, *The Law and Practice of International Territorial Administration: Versailles to Iraq and Beyond* (Cambridge University Press, 2008) at 4.

7 *Ibid* at 6.

8 Hans Kelsen, *The Law of the United Nations: A Critical Analysis of Its Fundamental Problems: with Supplement* (The Lawbook Exchange, Ltd., 2000) at 651; Stahn, *supra* note 6 at 417.

9 James Crawford, *Brownlie's Principles of Public International Law* (Oxford University Press, 2012) at 206; Ralph Wilde, "From Danzig to East Timor and

this was confirmed on several occasions under a range of legal bases (Most often Article 24, Article 41, Article 42 and Chapter VI).[10]

2.2. International Territorial Administration in Action

There are many (historic and current) examples of territories with a special status in relation to one or several sovereign states such as (i) mandates and trusts (ii) condominia, (iii) protectorates and (iv) neutralised states, but all these including some (v) early examples of international territorial administration, include(d) a *numerus clausus* of state parties to the agreements and were therefore not universal in the broad sense of the word.[11] Proto-examples that encompassed some elements of ITA include the Free City of Cracow (1815–1846), the Cretan State (1897–1913), especially in its early period, and Tangier International Zone (1925-1956).[12]

Only following World War I, with the establishment of the League of Nations and even more so after World War II, with the advent of the UN, can we speak of true ITA that is subject to international scrutiny under a (relatively) pluralistic body. The below overview only focuses on selected examples, which in view of the author best present the wide range of modalities that ITA can take – many past and/or proposed examples (e.g. Saar, Leticia, Congo, Cambodia, Mostar, Turkish Straits, Kosovo, Rijeka, Jerusalem, the International Seabed, Sarajevo) could be presented.[13]

2.2.1. Free City of Danzig

Following World War I a dispute between Germany and Poland over Danzig (today's Gdansk) arose, due to the historically founded claim of local inhabitants who were predominantly German on one side and the strategic interest of Poland to obtain free and secure maritime access on the other.[14] This brought the drafters of the Treaty of Versailles to a solution by which they have constituted, on a permanent basis, Danzig as a self-administered "free city", with certain administrative powers given to the League of Nations.[15] The Treaty of Versailles established the position of the High Commissioner and put the newly established Free city of Danzig under the protection of the League of Nations.[16] The High Commissioner, *i.a.*, had the power (in the first instance) to deal with all differences arising between

Beyond: The Role of International Territorial Administration" (2001) 95:3 American Journal of International Law 583 at 587.

10 Stahn, *supra* note 6 at 417 & 423.

11 Shaw, *supra* note 5 at 216–217 & 224–234; Lassa Oppenheim, *International Law: A Treatise* (Longmans, Green, and co., 1905) at 140–144.

12 Oppenheim, *supra* note 11 at 144; Wilde, *supra* note 9 at 602.

13 Wilde, *supra* note 9 at 586.

14 Stahn, *supra* note 6 at 174.

15 *Treaty of Peace With Germany (Treaty of Versailles)*, Paris Peace Conference XIII, 28 June 1919 *Treaty of Versailles* at Article 100.

16 *Ibid* at Articles 101, 102, 105 & 107.

Poland and the Free City.[17] Second instance decision making was endowed onto the Council of the League.
Unlike in the Saar territory (another ITA project undertaken by the League of Nations), decisions on the governance within the Free City were left to its citizens – the League merely acted as a guarantor and did not assume exclusive administering.[18] Nevertheless, it was interpreted that the League needs to approve the Constitution of the Free City and any potential future amendments, and that the governance has to comply with the Constitution, as later confirmed by the PCIJ.[19] Danzig, formally remained under the control of a (already weakened) High Commissioner until 1 September 1939, when German troops invaded the city.[20]

2.2.2. Free Territory of Trieste

Following World War II, the Treaty of Peace with Italy, negotiated at the Paris Peace Conference, constituted the Free Territory of Trieste at the time bordering Italy and the newly created Federal People's Republic of Yugoslavia.[21] The uniqueness of the Danzig and Trieste models are in the fact that both were perceived as permanent rather than temporary solutions. In addition the Saar and Trieste models also give rise to a (controversial) notion of international territorial sovereignty.[22]
The Permanent Statute of the Free City of Trieste stipulated a Governor to be appointed by the UN Security Council, a democratically elected Assembly with legislative powers, and a Council of Government which would share executive power with the Governor and would be responsible to the Assembly.[23] The Assembly could make proposals for any amendments of the Permanent Statute directly to the UN Security Council.[24] The UN went into much more detail (including provisions on Political life, Language, Monetary system, Commercial aviation) compared to the League of Nations in the case of the Free City of Danzig. Furthermore the Governor was able to require the Council of Government to suspend administrative measures which in his view conflicted with his responsibilities. The project, although accepted by the Security Council, was never realised due to increased geopolitical tensions.[25]

17 *Ibid* at Article 103.
18 Stahn, *supra* note 6 at 175.
19 *Ibid* at 176; PCIJ, 1935, Ser. A/B, No. 65, *Consistency of Certain Danzig Legislative Decrees with the Constitution of the Free City* at 57.
20 Stahn, *supra* note 6 at 181.
21 *Treaty of Peace with Italy*, Paris Peace Conference, 10 February 1947 *Treaty of Peace with Italy* at Section III; *United Nations Security Council Resolution 16*, United Nations, 10 January 1947, S/RES/16 *United Nations Security Council Resolution 16*.
22 Wilde, *supra* note 9 at 591.
23 *Treaty of Peace with Italy*, *supra* note 18 at Annex VI, Articles 11, 12 & 13.
24 *Ibid* at Annex VI, Article 25.
25 Stahn, *supra* note 7 at 193.

2.2.3. West Irian / West Papua

The example of ITA in West Irian (Today's West Papua) is interesting as it is a rare example that proves the instrument is not only used in post-conflict scenarios, but was rather used to ensure an agreed transition of territorial control from the Netherlands to Indonesia.[26] In 1962 the UN established the UN Temporary Executive Authority (UNTEA) based on the Dutch-Indonesian agreement that the UN would supervise the transfer of West Irian from Dutch to Indonesian authority, while establishing short-term UN administration as a buffer.[27] The mandate of the UN in this case seemed fairly straightforward, since it was based on firm consent of both involved state parties.[28] What the UN failed in however was to successfully scrutinize the consultation on external self-determination of the West Papuan people that followed the transfer, as a legitimate democratic vote never took place.[29]

2.2.4. Bosnia & Herzegovina

One of the most long-lasting examples of ITA in recent history is (to this day) carried out through the role of the High Representative in Bosnia & Herzegovina, an institution established by The General Framework Agreement for Peace in Bosnia and Herzegovina (hereafter also referred to as the "Dayton Agreement") signed in 1995 following the wars that suited the fall of the Socialist Federal Republic of Yugoslavia.[30]

The powers vested into the High Representative (hereafter also referred to as "OHR") by the state parties to the Dayton Agreement are fairly vague, but have (through the Peace Implementation Council's (hereafter referred to as "PIC") Bonn Conclusions) evolved to the extent where the High Representative holds competence to impose interim legislation as well as remove elected officials from public office.[31] Ever since, the High Representative has taken decisions spanning from imposing the Law on the Flag of Bosnia and Herzegovina in February 1998 to removing the President of Republika Srpska from office on 3 May 1999.[32]

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26 Wilde, *supra* note 9 at 588; Ralph Wilde, "Representing International Territorial Administration: A Critique of Some Approaches" (2004) 15:1 Eur J Int Law 71 at 82.

27 Stahn, *supra* note 6 at 9.

28 *Ibid* at 247.

29 John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969: The Anatomy of Betrayal* (Routledge, 2003).

30 *The General Framework Agreement for Peace in Bosnia and Herzegovina*, Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, 14 December 1995 *Dayton Peace Agreement* at Annex 10.

31 Wilde, *supra* note 9 at 584; Peace Implementation Council, "PIC Bonn Conclusions", (10 December 1997), online: *Office of the High Representative* http://www.ohr.int/?p=54137.

32 Shaw, *supra* note 5 at 232; Office of the High Representative, "Removal from Office of Nikola Poplasen", (5 March 1999), online: http://www.ohr.int/?p=55123.

In early 2007 the PIC decided to end the OHR's mandate on 30 June 2008 – this (for some unexpectedly) led to backlash from the local population and the PIC February 2008 review decided to extend the mandate indefinitely.[33]

2.2.5. East Timor

In recent years, one of the most analysed undertakings of the UN is the UN Transitional Administration in East Timor (UNTAET), established by Security Council resolution 1272 (1999).[34] UNTAET was endowed with the task to create sovereign institutions including "all legislative and executive authority, including the administration of justice".[35]

Arguably, this was one of the most wide-ranging mandates the UN ever undertook over a territorial unit and it was as such also prone to (well argued) criticism of autocratic governance and over-enthusiastic belief in the sterile use of international norms with little leeway for local realities.[36] Eventually, as envisaged, UNTAET administered itself out of existence as East Timor became an independent country on 20 May 2002.[37]

3. Celestial Bodies as territories subject to International Territorial Administration

3.1. Rationale for analysing International Territorial Administration in light of administering celestial bodies

To successfully tackle the regulatory side of future space exploration we have to evaluate wider administration of the lunar surface which involves multiple interests such as science, resource utilization, cultural heritage, safety, environmental concerns, aesthetics, to only name a few. (How) Should lunar territory therefore be administered? We should not overlook and diminish the importance of Article I of the OST, where exploration and use of outer space is considered the province of all mankind.[38] According to the Charter, the UN were established with the exact intention to represent "mankind" and "all peoples" therefore its task is to fulfil this role not only on Earth but also in outer space.[39]

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33 Peace Implementation Council Steering Board, "Agenda 5+2", online: *Office of the High Representative* http://www.ohr.int/?page_id=1318 at 5; Goran Tirak, *The Bosnian Hiatus: A Story of Misinterpretations*, SSRN Scholarly Paper ID 1719486 (Rochester, NY: Social Science Research Network, 2010) at 5.

34 *United Nations Security Council Resolution 1272 (1999)*, United Nations, 25 October 1999, S/RES/1272 (1999) *United Nations Security Council Resolution 1272 (1999)*.

35 *Ibid*, para 1.

36 Shaw, *supra* note 5 at 234; Stahn, *supra* note 6 at 334.

37 Shaw, *supra* note 5 at 234.

38 *OST*, *supra* note 4 at Article I.

39 *Charter of the United Nations*, United Nations, 24 October 1945 *Charter of the United Nations* at Preamble.

Examples of ITA described above are proof that the current framework of public international law is flexible enough to allow designated international bodies undertake various administrative roles with different degrees of footprint. Proposing a permanent mandate of a UN-designated body to administer and develop lunar activates would not represent another idealistic whim, but is rather based on the tradition of international law and international relations throughout the last century.

3.2. Competition - Cooperation - Interference?

Despite the (irrational) element of national pride and the historic Space Race, outer space also became a unique domain of international cooperation, often pioneering de-escalation of geopolitical tensions; e.g. the USA and the Soviet Union fostered a range of cooperative activities during the Cold war,[40] whereas today ESA with its 22 Member States by its sole existence represents an epitome of international cooperation.[41]

Focusing on our closest celestial neighbour, there have been 21 lunar missions that soft landed on the Moon since 1959, with 6 astronaut (Apollo) missions and 4 robotic rovers (Lunokhod-1, Lunokhod-2, Yutu, Yutu-2). To date there has been no interference or close contact (apart from capturing images) between lunar missions, however there are signs this might change in the future as e.g. (the unclaimed) Google Lunar XPRIZE encompassed Heritage Bonus Prizes for visits to historically relevant lunar sites (e.g. the Apollo landing site).[42]

3.2.1. Status of the International Space Station

The sole ongoing space missions with a comprehensive legal framework around its operations is the International Space Station, which operates through three levels of agreements, with the International Space Station Intergovernmental Agreement (also referred to as "IGA") serving as the general framework.[43] The IGA allows involved states to extend their national jurisdiction, so the elements they provide are assimilated to their terrestrial territories: "each partner shall retain jurisdiction and control over the

40 Roald Sagdeev & Susan Eisenhower, "United States-Soviet Space Cooperation during the Cold War", online: *NASA* https://www.nasa.gov/50th/50th_magazine/coldWarCoOp.html.

41 E C Ezell Ezell, *The Partnership: a History of the Apollo-Soyuz Test Project* (1978); European Space Agency, "ESA Member States, Canada and Slovenia", online: *ESA* https://www.esa.int/Education/ESA_Member_States_Canada_and_Slovenia.

42 XPRIZE Foundation, "Google Lunar XPRIZE)", online: *XPRIZE* https://lunar.xprize.org/prizes/google-lunar.

43 *Agreement Among the Government of Canada, Governments of member state of the European Space Agency, The Government of Japan, The Government of the Russian Federation and the Government of the United States of America concerning cooperation on the civil International Space Station*, 29 January 1998 *International Space Station Intergovernmental Agreement*.

elements it registers and over personnel in or on the Space Station who are its nationals".[44]
As recognized within IGA itself, these provisions stem from the OST (and the Registration Convention) where launching states "retain jurisdiction and control over launched objects".[45] The IGA builds upon this to stipulate that cooperating parties own the elements they respectively provide, which again builds upon Article VIII of the OST – one of the very few instances of International Space Law of where the title of ownership in space is recognized in relation to state parties.

3.3. Legal status of celestial bodies

Unlike the International Space Station, celestial bodies are not subject to "jurisdiction and control" of states, rather the OST defines their legal status through a straightforward negative provision, which precludes states to appropriate celestial bodies "by claim of sovereignty, by means of use or occupation, or by any other means".[46] Simultaneously the OST positively stipulates that "there shall be free access to all areas of celestial bodies".[47] Using the word shall implies the permanence and rigidity of provision and reaffirms the fact that the leading maxim of the OST is that of cooperation, pluralism and the betterment of humankind as a whole.
Formerly, Working Group III of the International Institute of Space Law proposed a system of administration of celestial bodies by the Agency of the UN with the mandatory power in the name of all mankind.[48] Despite agreeing with the general premises, the author believes, De Man makes the wrong argument that member states of the UN cannot transfer more powers than they have themselves to international organisations – they of course can't, however certain powers of the UN and the UN Security Council only arise through their collective agency and are not derived from the powers of individual member states (e.g. see discussion under 2.2.1. and 2.2.2.). A model of ITA building on earthbound examples, would therefore be in line with the provisions of the UN Charter and the OST.
The abovementioned narrative is also in conformity with Article 11 of the Moon Agreement as it only precludes property over natural resources (with an additional caveat that envisages setting up an international regime to govern the exploitation of natural resources).[49] A system where an agency

44 *Ibid* at Article 5.
45 *OST*, *supra* note 4 at Article VIII.
46 *Ibid* at Article II.
47 *Ibid* at Article I.
48 Philip de Man, *Exclusive Use in an Inclusive Environment: The Meaning of the Non-Appropriation Principle for Space Resource Exploitation* (Springer, 2016) at 27.
49 *Agreement Governing the Activities of States on the Moon and Other Celestial Bodies*, United Nations, 18 December 1979 *Agreement Governing the Activities of States on the Moon and Other Celestial Bodies* at Article 11.

designated by the UN would administer a plethora of activities on the lunar surface would therefore be based on existing treaties and has a long history of precedent on Earth (and as described in section 3.4. to a degree already exists in outer space).

3.4 International Territorial Administration – The missing puzzle piece of Space Law?

Ideas of international administration over celestial bodies were already discussed in the early discussions of the *ad hoc* UN COPUOS.[50] The fact that the UN felt the need (and had the capacity) to provide a framework for future space exploration in itself implies "administrative powers", ever since the early days of space exploration, first clearly manifested through the establishment of the *ad hoc* UN COPUOS committee in 1958 and later through the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space adopted in 1963.[51]

Even though the OST explicitly gives state parties the task to supervise and authorise non-governmental activities in space, meaning the relevant procedures can vary from one state party to the other, these procedures must ultimately guarantee compliance with international law.[52] It is interesting to note, that one of the early ideas of President Eisenhower of the United States, was to submit all launches to advance verification by the UN.[53]

Furthermore certain activities in space (or at least elements of space activities) are already subject to regulated international administration – the International Telecommunications Union (hereafter also referred to as "ITU") recognizes the geostationary-satellite orbit as a limited natural resource and consequently regulates it.[54] The powers of ITU were only explicitly enlarged to include management of orbital positions in 1973, prior to the express and clear inclusion, the role of the ITU in this domain has been accepted under the doctrine of implied powers.[55]

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50 De Man, *supra* note 48 at 165.

51 Christian Brünner & Alexander Soucek, *Outer Space in Society, Politics and Law* (Springer Science & Business Media, 2012) at 24; *The Declaration of Legal Principles Governing the Activities of States in the Exploration and Uses of Outer Space*, United Nations, 13 December 1963 *The Declaration of Legal Principles Governing the Activities of States in the Exploration and Uses of Outer Space*.

52 *OST*, *supra* note 4 at Article VI.

53 Bin Cheng, *Studies in International Space Law* (Oxford University Press, 1997) at 217.

54 *Constitution of the International Telecommunication Union*, International Telecommunication Union, 1 July 1994 *Constitution of the International Telecommunication Union* at Article 44 (2).

55 Nicolas Mateesco Matte, *Aerospace law: telecommunications satellites* (Montreal: Institute and Centre of Air and Space Law, McGill University, 1980) at 166; De Man, *supra* note 48 at 63.

International organisations already exercise a degree of ITA over celestial bodies. ITA models don't necessarily need to invent or develop new solutions, they can also be used as guarantors that prevent altering the status quo until new political (or as in the case of the Saar territory, democratic) impulse shows a clear direction for the future.[56] In fact, international control or conduct is often deployed because of a fear that, if left to other actors, future developments would fail to be fair.[57] For instance in the case of the Free City of Danzig and the Free Territory of Trieste, powers were given to the international organization, to ensure governance by others does not compromise the territory's "free" status – an obvious parallel can be extrapolated to the role of ensuring the freedom to access all areas of celestial bodies as stipulated under Article I of the OST.[58]

The regulatory framework of space activities is facing (both reasonable and misplaced) criticism from public and private stakeholders as they consider the OST outdated. The author however argues that (as proven by the ITU example described above or the perhaps even more relevant, International Seabed Authority), international organisations only need to be given clear powers to fully grasp and fulfil the role given to them by international law. A clear mandate to the UN (or a UN-designated body) will inevitably spur regulatory developments that will provide regulatory certainty, arguably lacking today.

With the aforementioned in mind, the author believes that a reinforced and clear mechanism of ITA does not interfere with the notion of sovereignty as an international organisation would not be entrusted such title over a celestial body – on Earth international administrations assume powers of government and administration without acquiring ownership over the territory.[59]

4. Lessons learned

Multilateralism, despite its perceived crisis, is an achievement of humankind and seems to be well alive when it is not politicised but rather used for the progression of common goals and policies: e.g. in 2019 over 15 countries have signed (and are in the process of ratifying) a treaty establishing the Square Kilometre Array Observatory (SKAO), the intergovernmental organisation tasked with delivering and operating the world's largest radio telescope.[60]

56 Wilde, *supra* note 9 at 593.
57 *Ibid* at 598.
58 *Ibid* at 596; *OST*, *supra* note 4 at Article I.
59 De Man, *supra* note 48 at 27; Stahn, *supra* note 6 at 535.
60 Square Kilometre Array Observatory, "Founding Members sign SKA Observatory treaty", (12 March 2019), online: *Public Website* https://www.skatelescope.org/news/founding-members-sign-ska-observatory-treaty/.

A mechanism based on experience gained through terrestrial ITA projects can therefore address the eternal discussion of finding equilibrium between provisions of Article I and Article II of the OST. Modern ITA mechanisms on one hand allow transparent and holistic oversight through a trustworthy public body, and have proven to be flexible enough to accommodate a range of quickly changing realities on the other.

Legal mechanisms supporting internationalised territories are not a magic remedy waiting to solve whims of every company, government or individual. However, showcasing a host of examples proves that ITA it is not merely a post-conflict remedy and framing it within the context of international space law plots the way for future discussions. Above all, ITA is a commitment to cooperation and an epitome of "broad international cooperation in … legal aspects of the exploration and use of outer space" as stipulated by the preamble of the OST.[61]

61 *OST*, *supra* note 4 at Preamble.