

55th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)  
Nandasiri Jasentuliyana Keynote Lecture on Space Law & 4th Young Scholars Session (1)

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ISSUES OF LIABILITY AND NEED FOR A COMPREHENSIVE CODE FOR LICENSING  
ACTIVITIES IN OUTER SPACE

**Abstract**

Under Article VI of the Outer Space Treaty, states parties have assumed direct responsibility for all actions qualifying as national activities in outer space. It provides that the states are directly responsible for national activities of non-governmental entities in the outer space.

The liability regime in outer space is based on the ambiguity of the term appropriate state and national activities. In the current scenario, with the states refraining from participating in government backed space program and the advent of private actors in space it is imperative to understand the importance of a sufficient code to discuss and determine the issue of liability.

The Draft Code of Rules on the Exploration and Uses of Outer Space, provided that No spacecraft shall be operated by private persons or corporations save by license granted by the State of which they are nationals." This was to ensure that all space activities, apart from being attributable to a State are also regulated by it. Hence, no unlicensed or unregulated launch was intended to be allowed under the Treaty. Several national space legislations also contain regulations pertaining to space activities of nationals of that state, applicable even for activities carried out outside the territory of the State. These clauses shall prove to be woefully inadequate to deal with the complex nature of space exploration given the future trend in space exploration.

Determination of responsibility and attribution of liability on states requires a comprehensive code on licensing the activities of private entities which adheres to international standards and thus a basic document for licensing common to all countries. In the light of the fact that State(s) shall hold responsibility for activities of nationals, this paper discusses the need for a comprehensive code governing international responsibility and liability in the field of space law. This research paper contains critical assessment of the existing legal principles, basic principles for building the comprehensive code for licensing for attribution of liability on state(s), in the light of participation of private actors in the outer space activities. The paper will finally draw recommendations on the practical application of these principles in determination of international liability.