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The Current Status of the Rule of Law with Regard to Space Activities (4)

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IN SEARCH OF THE CURRENT LEGAL STATUS OF THE REGISTRATION OF SPACE OBJECTS

**Abstract**

This article studies the current legal status of the registration of a space object based on the emerging international rules in the field of registration and the liability as a “launching” State reflected in the UN Resolutions, various national legislation and state practices. It is a well known fact that the registration is a source for a State Party to the Outer Space Treaty (OST) to exercise jurisdiction and control over a space object which is launched by that State Party concerned (Art. VIII). However, it seems that state practices do not necessarily comply with the conditions and requirements provided for in the OST and the Registration Convention (RC). For instance, a certain State does not regard itself as a “launching State” or a “State of registry” when a company holding its nationality owns and operates a satellite launched and positioned in orbit by a foreign launcher from the foreign soil. In that case, however, that State Party furnishes the information on that satellite to the UN Secretary General because it bears international responsibility for its national activities (Art. VI of the OST) and, therefore, the State Party is of the opinion that it has jurisdiction and control. Does jurisdiction and control stem exclusively from the act of registration, or does they also stem from the recognition by a State Party of its “national activities” through non-governmental entities? If the latter case also grants jurisdiction and control to the State Party, the scope and contents of jurisdiction and control is the same generated based on the registration? In addition, what is the function of nationality of a private person, natural or legal, who owns and/or operates a satellite? Since planned Space Assets Protocol envisages its own registration system, and the collision of two satellites or a satellite with space debris cannot be a remote possibility any more, it merits identifying the legal status of the registration of the UN space treaties to better establish the public space law regime that makes the appropriate States Parties assume their responsibility and liability in good faith and in an rational, reasonable and appropriate manner.