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The Interaction between International Private Law and Space Law and its Impact on Commercial Space Activities (2)

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SPACE ASSETS PROTOCOL AND COMPLIANCE WITH INTERNATIONAL AND DOMESTIC LAW

Abstract

One of the main issues debated during the negotiating process of the draft Protocol on space assets was the concern that this new international regime could hamper the compliance by States parties of obligations under pre-existing international instruments and/or national peremptory prescriptions. Reference was made to the UN outer space treaties, to mandatory decisions of international bodies and to national legislation concerning sensitive sectors. In particular, the major concern was the transfers of ownership of space assets that the draft Protocol, once in force, would allow and their consequences on pre-existing obligations, both international and national, of such kind. The paper addresses these aspects with a view to clarify the legal situations at stake, the meaning of the optional character of the regime set out by the Protocol for private parties and the public law (international and domestic) limits within which the regime would work.