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A REFLECTION ON THE SANCTITY AND EFFECTIVENESS OF THE 'CORPUS JURIS
SPATIALIS' IN THE 21ST CENTURY**Abstract**

The last few decades have witnessed myriads of ecstatic attainments in the field of space. International Law is essentially dynamic. New areas are appearing and, in general the law is following, rather than preceding, technological developments. Developments in Space Exploration Programs and International Space Stations have portrayed an unprecedented need for a public-private coalition for space activities. After a short introduction, the author will sketch the current status of international law applicable to these initiatives. Under Article VI of the Outer Space Treaty, the 'Appropriate State' has been made responsible for all 'national' activities whether carried out by a public or a private enterprise. However, the term 'Appropriate State' has not been defined anywhere. The dichotomy between the 'Jurisdiction' based determination of Appropriate State and 'Nationality' based interpretation has time and again proven to be a liability for ascertaining State Responsibility. This paper forwards a case for adoption of a Jurisdiction based determination on the basis of Registration of Space Vehicles. State parties of the Registration Convention are obligated to register under the said Convention. However non-members have more often than not registered under the UNGA Resolution 1721 (XVI) B. State practice mandates such process to be treated as a part of customary international law. The State that registers a Space object should be treated as the Appropriate State. Also, the launch vehicle as well as the payload should be registered as one object and not separately. Further, the term 'launching state' as defined under the Liability Convention and Registration Convention is already under threat due to Sea-Launch programs. The developments in the last decade call for a modification of the term. With the unprecedented increase in space activities, defunct space objects are on the rise. Space Debris pose a serious threat. The author wishes to examine the challenges posed by such debris primarily with respect to analyzing two aspects of creation of space debris. The first aspect is the creation of space debris by 'deliberate intent' such U.S. missile strike against 'USA 193' military satellite. The second aspect is creation of space debris by 'accident or negligence' as happened in the Cosmos-Iridium collision. The Corpus Juris Spatialis envisages a 'fault' based liability in outer space. It is in this aspect and otherwise that the author wishes to forward a case against 'fault' based liability and put forth a case for the adoption of 'absolute' liability regime for such activities.