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ON-ORBIT TRANSFER OF SATELLITES BETWEEN STATES: LEGAL ISSUES-WITH SPECIAL
EMPHASIS ON LIABILITY AND REGISTRATION

Abstract

Space has become highly commercialized and satellites are treated as transferable goods, even while they are on orbit. Although the existing international space law regime allows such transfers, it also raises some serious questions especially with regards to registration and liability. The insufficiency of the present legal framework is rooted in the cause that the space treaties were drafted decades ago, and it was not possible to contemplate on-orbit transfers at that time. Under present regime of space law, in case of an inter-State on-orbit transfer of satellite, there may be a State having de jure jurisdiction and control over a space object, for which it is liable, while another State has de facto control over the space object and is responsible, as it is that State's national activity.

In this context, finding a pragmatic solution, while keeping in mind the interests of the victims, the transferor and the transferee, is imperative. Consequently, it is important to analyze whether the current framework of law is competent to deal with the issue, or whether the existing law needs to be amended. Because on-orbit transfers are happening now and will increase in the future, the topic is an extremely significant one and addresses a practical problem.