

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Dispute Settlement (2)

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IN SEARCH OF THE MOST APPROPRIATE MECHANISM FOR RESOLVING THE DISPUTES
ARISING FROM LARGE SATELLITE CONSTELLATIONS**Abstract**

The increasing number of satellite constellations- as part of the NewSpace industry- poses many significant challenges. Given the continued growth of the amount of space debris and due to the potential harmful interference in orbits, as at least two consequences of the emergence of the large constellations, resolving the international disputes arising from launching satellite constellations is deemed to be one of the main concerns in this regard. The reason behind this issue is that the collision between the debris resulting from the constellations and space objects of other States on the one hand and the probability of harmful interference between constellations and space activities of other States on the other hand, may not only lead to the responsibility and liability of the State concerned, but also result in the need for the resolution of the dispute between the responsible and liable State and the affected one. Choosing the analytical research method, this paper aims at answering to this main question that considering the shortcomings of international space law dispute resolution mechanism, how can disputes arising from large satellite constellations, including those operated by OneWeb and SpaceX, be more appropriately settled. Among the five space law treaties, except for Article 14 of the 1972 Liability Convention which foresees the establishment of a Claims Commission, there are no binding dispute settlement provisions; However, the political means of dispute settlement including but not limited to negotiation, good offices, enquiry and conciliation together with legal means, i.e., judicial settlement and arbitration will also be applicable to the disputes of satellite constellations. For this purpose, the paper firstly goes through the issue of space debris and harmful interference as two origins of the disputes regarding constellations. Afterwards, in section B, the current international dispute settlement mechanisms of satellite constellations, including (i) the mechanisms enshrined in the space law treaties and other international space law instruments, i.e., the 1998 ILA Draft Convention and the ITU Constitution; and (ii) the political means and legal means of the dispute settlement reflected in the United Nations Charter are examined. After having reviewed these mechanisms, authors seek to argue that due to the urgent necessity of dealing with the disputes of satellite constellations, international arbitration is to be considered as the most appropriate mean for the dispute settlement of constellations.