Transfer of Ownership of Space Objects

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Introduction

- Transfers in practice truly occurred
- Launching service
- In-orbit transfer
Introduction

- The scope of the discussion of this paper
- 1. ownership
- 2. space object
- 3. transfer
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- 1. Types of transfer
- 2. Problems unsolved
- 3. Disparity between OST-VI and OST-VIII.
- 4. Can launching states be exempted from its liability?
- 5. Treaty interpretation and solutions under national space legislation
Types of transfer

1. Launching service (turn-key contract)
   - The transferee itself is a joint-launching state, defined as the the state procures launching.

2. Change of service provider or receiver
   - No transfer of jurisdiction, control and liability is involved.

3. In-orbit transfer
   - [Problems occurred.](#)
Problems unsolved in in-orbit transfer

The State of Registry

State A ➔ State B

Non-launching state

Nationals of State A ➔ Nationals of State B

Nationals of State A

Nationals of State B
Disparity between OST-VI and OST-VIII.

- **OST-VIII**
  - The State of Registry, (State A) remains jurisdiction and control over the object.

- **OST-VI**
  - The State B, as the “appropriate state” mentioned in OST-6, bears obligation to supervise and authorize
OST-VIII and related articles
(applied for State A)

- OST-VIII
  - “jurisdiction and control” rests in the State of Registry.
- Reg-I-c
  - Only launching states can become State of Registry
  - No objection for modification of registry, but can only be made between launching states.
OST-VI and related articles
(applied for State B)

- **OST-VI**

- The “appropriate state” bears obligation to supervise and authorize national space activities.

- The “appropriate state” means state with actual jurisdiction over the operator or owner of the space object.
Can launching states be exempted from its liability?

- OST-VII, Liab-II, Liab-III
- Launching states bear liability for damage caused by the launched object.
- Liab-V-2
  - Allows allocation of liability between joint launching state.
- Q: is it possible to arrange liability allocation between launching states and the transferee?
Treaty interpretation and solutions under national space legislation

1. repairing the registration system?
   1.1 How?
   By using new interpretation of “launching state”
   1.2 Analysis
   Not possible
2. Inter-governmental agreements

For liability allocation between joint-launching states and the transferee
Intel-governamental agreements

1. Its legitimacy and validity.
   - Space convention sets no restrictions.
   - Vienna Convention on the Law of Treaties recognizes the validity of third party’s acceptance

2. How to conclude such agreement.
   - Negotiation between all joint launching states and the transferee
   - Acceptance from the transferee on agreements signed by joint launching states
3. National Space Legislation

For setting standards for authorization of transfer and guarantee the conclusion of the inter-governmental agreements.
1. For authorizing space activities, including transfers.
National Space Legislation

- 2. Guarantee the signing of inter-governmental agreements.
- By indirectly urging State B to be involved in the negotiation of agreements.
Thank you!

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