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ORIGINAL ARTICLE

An Analysis of the Responsibility and Obligations of the State of Nationality with Respect to Satellite Companies: Perspectives from International Law

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EXTENDED ABSTRACT

Interdiction:

Since the launch of Sputnik 1 in 1957 and the subsequent deployment of Telstar 1 in 1962, satellite technology has evolved from a symbolic achievement of the space race into a transformative instrument of global communication. What initially emerged as a technological milestone has progressively reshaped cultural patterns, linguistic exchanges, political discourse, and economic structures across national borders. Contemporary satellites are capable of directly broadcasting to more than forty percent of the Earth's surface, thereby rendering national boundaries increasingly permeable to transnational flows of information.

The rapid expansion of satellite communications has generated profound legal implications within the framework of international law. As satellite signals transcend territorial borders without physical constraints, traditional conceptions of sovereignty and jurisdiction face renewed doctrinal challenges. Although international law has historically recognized State sovereignty over national airspace, the development of outer space law—particularly through the Outer Space Treaty, adopted under the auspices of the United Nations—established outer space as a domain beyond national appropriation while simultaneously attributing responsibility for national space activities to States.

Article VI of the Outer Space Treaty articulates a foundational principle: States bear international responsibility for national activities in outer space, whether conducted by governmental agencies or non-governmental entities. This provision has acquired increasing significance in the era of commercialization and privatization of space activities. Satellite-operating companies, while private actors, function under the authorization and continuing supervision of their respective States. Consequently, a dual structure of accountability emerges: States remain internationally responsible, whereas private operators are subject to domestic regulatory control.

Technological advancements since the 1980s—particularly the development of small satellite dishes enabling direct reception—have significantly reduced governmental mediation over broadcast content. As a result, the capacity of States to filter or regulate incoming signals has diminished, intensifying tensions between the principle of the free flow of information and the doctrine of State sovereignty. While some States advocate unrestricted transnational broadcasting, others invoke non-intervention and cultural integrity to justify regulatory resistance.

The proliferation of satellite services has also produced complex challenges, including signal intrusion, unauthorized retransmission (satellite piracy), political propaganda, unfair economic competition with national broadcasters, and alleged interference in domestic affairs. Moreover, the strategic dimension of satellite communications cannot be underestimated. As observed by Henry Kissinger, the communicative power of modern broadcasting technologies may surpass that of conventional military capabilities—an observation that underscores the geopolitical implications of satellite infrastructure.

In parallel, the technological gap between space-faring States and developing countries continues to widen, reinforcing structural asymmetries within the international system. States possessing advanced satellite capabilities exercise considerable informational influence, yet such influence entails heightened international obligations. Under contemporary space law, States must authorize, regulate, and continuously supervise the activities of satellite operators to ensure compliance with international norms, including the principles of peaceful use, environmental protection, and liability for transboundary harm.

Domestic and regional regulatory frameworks further illustrate this governance architecture. In the United States, space-related oversight involves institutions such as NASA and the Environmental Protection Agency, while in Europe regulatory coordination is associated with the European Space Agency. Nevertheless, despite the existence of national regulations and bilateral agreements, the international community has yet to establish a comprehensive and universally binding regime governing direct satellite broadcasting.

Against this background, the present article examines the evolving responsibility of States in relation to satellite-operating companies within the broader normative structure of international law. Employing a descriptive-analytical methodology, it argues that the expansion of private satellite activities necessitates a strengthened interpretation of State responsibility grounded in due

diligence, effective supervision, and cooperative governance. The study further contends that reconciling the principles of informational freedom, sovereign equality, and cultural diversity remains one of the central normative challenges of contemporary space law. By reassessing the interaction between sovereignty, technological capability, and international accountability, this article seeks to contribute to the ongoing discourse on the governance of outer space and the sustainable regulation of satellite communications in an increasingly interconnected world.

Method:

This doctoral research adopts a descriptive-analytical and normative-interpretative methodology to examine the doctrinal foundations and legal limits of launching State responsibility in relation to private satellite operators.

First, the study undertakes a systematic doctrinal analysis of the primary sources of international space law, with particular emphasis on the Outer Space Treaty—especially Article VI—as well as the broader treaty regime governing international responsibility and liability in outer space.

Second, the research engages in conceptual and structural interpretation of the dual-layered accountability model (external international responsibility and internal regulatory obligation) by examining State practice, regulatory frameworks, and principles of general international law.

Third, the study applies a normative-evaluative approach to assess the adequacy of existing legal instruments in addressing the rapid privatization and commercialization of satellite activities. Particular attention is devoted to the evolving standard of due diligence and its role in transnational risk governance and space sustainability. Through this integrated methodological framework, the dissertation seeks to identify potential doctrinal gaps and evaluate the need for recalibration within the current legal architecture.

Findings:

The analysis demonstrates that launching States retain a central and structurally indispensable position within the international space law regime. The research confirms that Article VI of the Outer Space Treaty establishes a comprehensive responsibility framework applicable to both governmental and non-governmental entities, thereby preventing regulatory fragmentation arising from privatized space activities. The findings further indicate that State responsibility extends beyond formal treaty obligations and encompasses broader principles of general international law, including evolving standards of due diligence. In this regard, the obligation to authorize and continuously supervise private satellite operators constitutes a substantive, not merely procedural, requirement.

Moreover, the study reveals that the transnational and risk-generating nature of satellite operations reinforces the functional role of launching State responsibility as a stability-preserving mechanism designed to safeguard outer space as a global common. However, the research also identifies normative tensions between sovereign regulatory discretion and collective international interests, particularly in the context of expanding commercial satellite constellations.

Conclusion:

The dissertation concludes that launching State responsibility functions as a structural cornerstone of international space governance. The current treaty framework, while doctrinally resilient, requires interpretative refinement to remain responsive to the accelerating privatization of outer space activities.

Launching States are bound not only by explicit treaty provisions but also by general principles of international law, emerging due diligence standards, and evolving norms related to space sustainability and transnational risk governance. Accordingly, the study advocates for a refined conceptualization of State responsibility that strengthens regulatory oversight mechanisms while preserving sovereign autonomy. Such recalibration is necessary to reconcile national regulatory competence with the collective interest of the international community in maintaining the stability, security, and sustainability of outer space.

Data Availability Statement

Data available on request from the authors.

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Ethical considerations

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Conflict of interest

The authors declare no conflict of interest.

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