

ORGANISERS



AAIL FOUNDATION



中国国际法学会
Chinese Society of International Law

2026 COLLOQUIUM ON INTERNATIONAL LAW

*CREATING
NEW FRONTIERS:*

**Law, Commerce and
ORDER IN
OUTER SPACE**

3 July



2026 COLLOQUIUM ON
INTERNATIONAL LAW

Resolving Commercial Space Disputes in the New Space Economy Challenges and Opportunities for Asia

Dr Suwijak Chandaphan

Associate Dean, School of Law
Mae Fah Luang University

CREATING
NEW FRONTIERS:
**LAW, COMMERCE and
ORDER IN
OUTER SPACE**

The Rise of the New Space Economy

- Shift from government-led to private-led space activities
- Growth of satellite services, launch providers, insurers, investors
- Cross-border commercial transactions are increasing

New Players, New Disputes

Private operators

Launch service providers

Satellite manufacturers

Insurers and investors

Governments as regulators

Typical Commercial Space Disputes

- Launch service agreements
- Satellite procurement
- Frequency & orbital slot disputes
- Collision and liability
- Insurance and investment disputes

Current International Framework

Outer Space Treaty

Liability Convention

Registration Convention

PCA Optional Rules

National courts & ADR

Outer Space Treaty (1967)

➤ The Constitutional Framework of International Space Law

➤ Key Points

- ❖ Establishes the fundamental principles governing outer space activities.
- ❖ Requires States to bear international responsibility for national space activities, including those conducted by private entities.
- ❖ Encourages peaceful exploration and international cooperation.
- ❖ Does **not** establish a dedicated mechanism for resolving commercial space disputes.

➤ Key Message

- ❖ Provides the legal foundation, but not a comprehensive dispute resolution system.

Liability Convention (1972)

➤ Liability for Damage Caused by Space Objects

➤ Key Points

- ❖ Establishes rules governing liability for damage caused by space objects.
- ❖ Introduces absolute liability for damage on Earth and fault-based liability in outer space.
- ❖ Provides for diplomatic claims and a Claims Commission.

➤ Limitations

- ❖ Primarily designed for **State-to-State claims**.
- ❖ Rarely used in practice.
- ❖ Not well suited to modern commercial disputes involving private operators.

➤ Key Message

- ❖ Focuses on liability rather than commercial dispute resolution.

Registration Convention (1975)

➤ Transparency and Identification

➤ Key Points

- ❖ Requires States to register objects launched into outer space.
- ❖ Facilitates identification of launching States.
- ❖ Improves transparency and accountability.

➤ Contribution to Dispute Resolution

- ❖ Helps establish relevant facts.
- ❖ Supports attribution of responsibility.
- ❖ Does **not** provide procedures for resolving disputes.

➤ Key Message

- ❖ Supports dispute resolution indirectly through transparency.

PCA Optional Rules for Arbitration of Disputes Relating to Outer Space Activities (2011)

➤ Key Points

- ❖ A specialized arbitration framework designed specifically for space-related disputes.
- ❖ Available to States, international organizations, and private parties.
- ❖ Allows appointment of arbitrators with technical and legal expertise.
- ❖ Offers confidentiality, neutrality, and procedural flexibility.

➤ Challenges

- ❖ Applicable only with the parties' consent.
- ❖ Limited awareness and practical use.
- ❖ Relatively few reported cases.

➤ Key Message

- ❖ An excellent international framework that deserves wider adoption.

National Courts and Alternative Dispute Resolution (ADR)

➤ National Courts

- ❖ Contract disputes
- ❖ Regulatory issues
- ❖ Enforcement of arbitral awards

➤ ADR

- ❖ International Arbitration
- ❖ Mediation
- ❖ Expert Determination

➤ Future Direction

- ❖ Commercial space disputes are likely to rely increasingly on arbitration, supported by domestic courts where necessary.

➤ Key Message

- ❖ The future lies in a complementary dispute resolution ecosystem rather than a single forum.

Key Challenges

- Fragmented legal framework
- Multiple jurisdictions
- Technical complexity
- Private actors beyond traditional state-to-state model

Why Arbitration?

- Neutral forum
- Confidentiality
- Flexible procedure
- Technical expertise
- Enforceability

Opportunities for Asia



Develop legal expertise



Promote arbitration
clauses



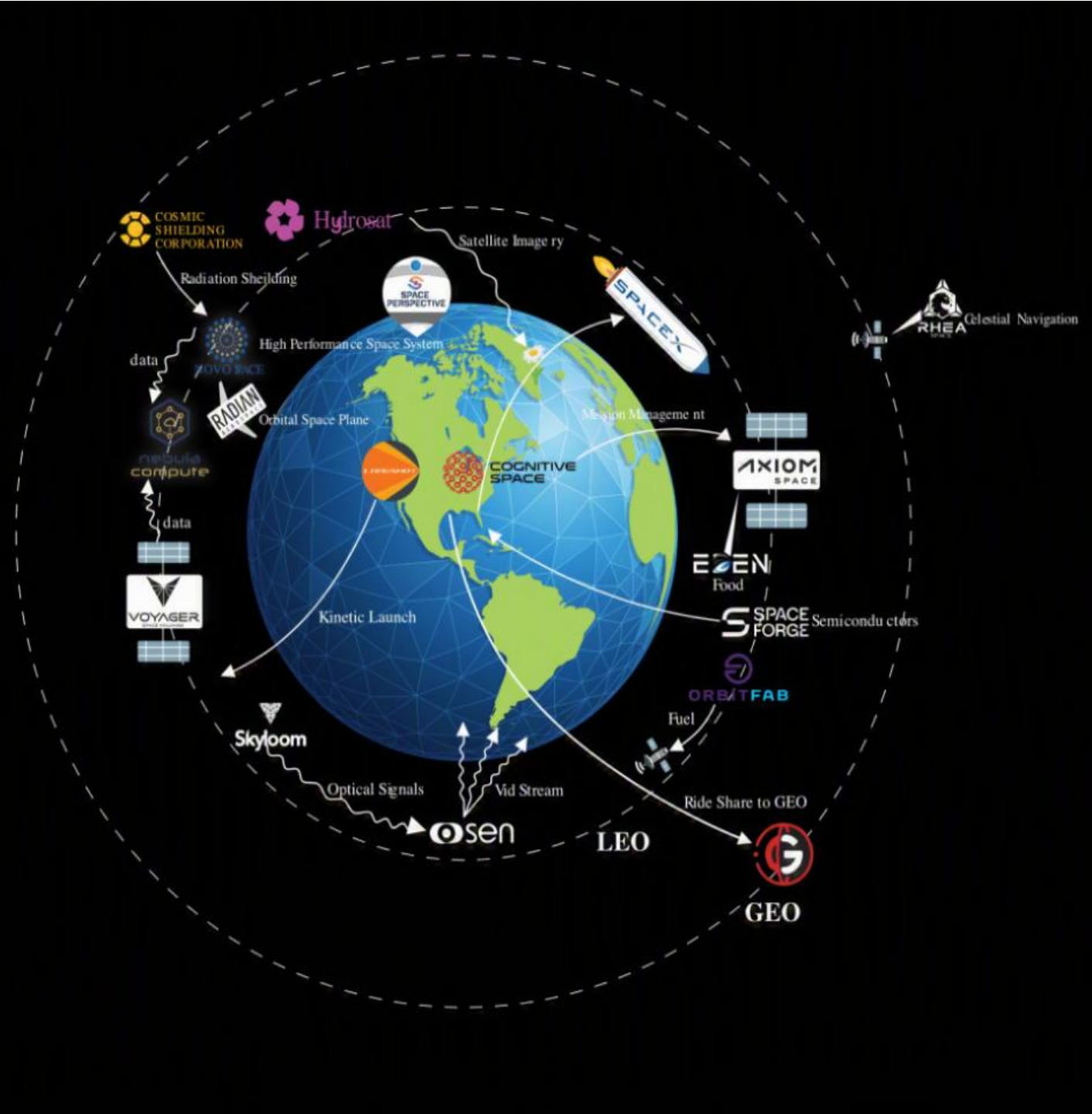
Build regional
cooperation



Strengthen academia–
industry–government
collaboration

Looking Ahead

- Commercialization will continue
- More cross-border disputes
- Hybrid dispute resolution ecosystem
- Asia can play a proactive role



Key Takeaways

- New Space Economy changes the nature of disputes.
- Arbitration will play an increasingly important role.
- Asia should complement existing international mechanisms through capacity building and cooperation.

Thank you for your attention!

Email: suwijak.cha@mfu.ac.th