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INTERACTION BETWEEN DIVERSE SOURCES OF LAW APPLICABLE TO LEGAL
CHALLENGES CAUSED BY COMMERCIAL SPACE ACTIVITIES

Abstract

The purpose of this paper is to consider different sources and branches of law (existing and under formation) that might be able to provide appropriate solutions to diverse legal challenges that are already caused by commercial space activities and will be more further preconditioned as commercial development in outer space gathers pace.

In particular this paper provides a general analysis of the following sources and branches of law as applied to commercial space activities:

International Law (IL);
International Space Law (ISL);
National Space Legislation (NSL);
Private International Law (PIL); and
a new branch of law under formation – Private International Space Law (PISL).

All of the aforementioned branches and sources of law are analyzed in view of diverse criteria, such as main “purpose” and specific features, applicability to commercial space activities, effectiveness of legal regulation, main problems regarding their pertinence, interaction and co-relation (where appropriate) between each other, etc.

Furthermore in view of finalization of the Protocol to the Cape Town Convention on Matters Specific to Space Assets a special focus is made on the issue of formation of PISL, as the author presumes that this instrument can be considered as:

- (i) one of the first efforts at the international level to create legal norms directly and adequately applicable to commercial space activities with due attention to the legal effects of globalization; and
- (ii) the first specific private international legal source of PISL that takes account of both the private nature of such activities and specific features of ISL.

Finally on the basis of overview and analysis of the aforementioned issues the author makes conclusions regarding the tendencies and perspectives of creation of a strong legal framework for comprehensive regulation of commercial space activities.

The author believes that due efforts of the legal society might help to secure that space science and technology are for the needs of all.