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Author: Dr. Guillermo Duberti
Conicet/ Universidad de Belgrano, Buenos Aires, Argentina, guillermo.duberti@gmail.com

OPTIONAL RULES FOR ARBITRATION OF DISPUTES RELATING TO OUTER SPACE
ACTIVITIES. A GREAT OPPORTUNITY FOR THE PROGRESSIVE DEVELOPMENT OF SPACE
LAW

Abstract

On 6 December 2011, as the result of a fruitful task of a distinguished group of international experts, the Optional Rules for Arbitration of Disputes Relating to Outer Space Activities became effective. Having in mind Article 35 of the Rules, the advantages of arbitration as means for dispute settlement and, in particular, the benefits of a tribunal composed of experts in the field, the implementation of these new mechanisms is an excellent opportunity for the progressive development of the law of outer space.

International tribunals involved with dispute settlement among sovereign states, such as the ICJ, have so far shown limitations in the field of space law. For these reasons, the precedents to be provided by the PCA and other arbitration procedures, by applying the PCA Rules, could break new ground either by strengthening recent rules -seen sometimes by the doctrine as 'soft law'- or generating realistic binding rules where consensus has so far proved extremely difficult among subjects of public international law.

This paper shall be exploring those spaces with a view to producing feasible proposals in the understanding that 'soft law' is not law proper.