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Settlement of Space-Related Disputes (2)

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ARBITRATION OF DISPUTES RELATING TO OUTER SPACE ACTIVITIES. INTERNATIONAL
JURISDICTION, RECOGNITION AND ENFORCEMENT OF JUDGEMENTS IN LIABILITY
INSURANCE MATTERS RELATED TO ACCIDENTS OCCURRED DURING PRIVATE
COMMERCIAL ACTIVITIES IN OUTER SPA**Abstract**

During the last few decades, not only humankind in general but also private entrepreneurs have dreamt of reaching Outer Space either for tourism or for commercial purposes. Consequently, stemming out of these activities, numerous issues have emerged within the so-called private international liability insurance field. Hence, questions regarding jurisdiction, enforcement and recognition of judgments in civil and commercial outer space matters need to be given a prospective answer. The intention of this paper is to propose a solution regarding these important points which are transcendental in order to make sure that any plaintiff will have at least the chance to enforce “his” judgement in the country where he can consider there are enough goods to cover the so called, *damnum emergens*, *lucrum cesans* and the so called moral rights, if granted..

Taking into account the importance of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters and the forthcoming amending regulations as a tool to simplify the formalities with a view to rapid and simple recognition and enforcement of judgments from Member States bound by this Regulation, there are a great number of questions to be asked when we deal with Outer Space civil or commercial activities carried by global private companies such as how to determine where the harmful event has occurred, how to define the concept of weaker party in Outer Space, how can we enforce in the European Union a judgment rendered by an American or a Canadian Court related to civil or commercial Outer Space activities, and most important, how can we deal with courts which are unable to render a proper judgement when it comes to liability cases stemming out of private commercial activities in Outer Space. Finally, in order to avoid falling into the uncertainty as explained above, the panelist will propose the following solutions: 1) mediation as an alternative dispute resolution, 2) the contract solution and 3) the arbitration solution.

The Permanent Court of Arbitration have issued an ADR system set of optional rules for arbitration of disputes relating to outer space activities.

The present abstract will study the advantages of submitting controversies to Arbitration as a concluding remark in order to avoid the before mentioned issues as far as bringing proceedings before local courts is concerned and the PCA framework related to Outer Space Law.