

61st IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
10th Nandasiri Jasentuliyana Keynote Lecture on Space Law and Young Scholars Session (1)

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FROM THE UNILATERAL ACTS OF STATES TOWARDS UNILATERALISM IN SPACE LAW

Abstract

Unilateral Acts of States are recognized as sources of International Law, even though not mentioned in Article 38 of the Statute of the International Court of Justice. While particular forms of these acts have been the subject of research, relatively modest attention has been accorded to the concept as such in Space Law. The paper argues that these acts present significant implications for law-making process of Space Law.

This study will make a cursory review of these acts in Space Law underlining their legal nature, their international legal effects and their interaction with the other recognized sources of International Law (Treaty, Custom, Soft Law). The first aim of this analysis is to identify and classify key functions of these acts and assess their potential and limits in Space Law. This paper argues that the better understanding of unilateral acts is necessary before delving into the matter of the unilateralism in Space Law.

It is evident that we are facing unilateralism in Space Law. This is especially the case concerning trade restrictions based on national security, unilateral arms controls. It should be underlined that in some cases unilateralism has resulted either in changes to customary law or treaty law, in others it has not. Consequently, not every type of unilateralism can be perceived as a challenge to Space Law.

Nevertheless, we can see the risks of unilateralism when not acquiesced in or generally supported by other states. It is obvious that the multilateral process is becoming more complicated than before which complicates to find multilateral solutions in Space Law. The second and main aim of this study is to contribute to the debate about whether or not unilateralism has threatened the progress of multilateralism in Space Law in the light of the concept of unilateral acts of States.