

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Dispute Settlement in Space Law: Are We Ready for the Commercial Challenge? (2)

Author: Dr. Eytan Tepper
Institute of Air and Space Law, McGill University, Canada

Ms. Viva Dadwal
Faculty of Law, McGill University, Canada

**ARBITRATION IN SPACE-RELATED DISPUTES: A SURVEY OF INDUSTRY PRACTICES AND
FUTURE NEEDS**

Abstract

To better understand the viability of arbitration in space-related disputes, we designed a survey that examines the use of arbitration clauses in contracts used by space companies, and if the use thereof is mandatory. More specifically, the survey gathers data on contracting parties' preferred seats of arbitration, arbitration institutions, selection process for arbitrators, and choice of procedural and substantive rules. The survey also captures actual use of arbitration within space related disputes by collecting data on how often such arbitration clauses have been invoked and the number of disputes ultimately resolved by arbitration. Finally, the survey solicits industry preferences for the future development of arbitration as a form of dispute resolution in the space sector. The survey is built in a way that allows break down of results and comparing segments, *inter alia*, based on the type of contract (e.g., launch contract, insurance contract, investment contract, contract for supply of parts or services). The results of the survey will expose the demand for arbitration and the successes and barriers for the use thereof. Furthermore, the results will allow us to evaluate the success of existing arbitration infrastructure for space-related disputes, including the PCA Optional Rules for Arbitration of Disputes Relating to Outer Space Activities and the Panels of Arbitrators and Experts for Space-related Disputes. To our knowledge, there exist no surveys or catalogues on the use of arbitration in space-related disputes. The results of the survey will provide empirical data and trends that may be used by scholars, policymakers and practitioners to anchor future theoretical papers and policy recommendations.