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THE SOURCES OF INTERNATIONAL SPACE LAW

Abstract

ABSTRACT: In order to have a comprehensive understanding of International Space Law, which is embedded in general international law, it is indispensable that one must have a clear view of the sources of this legal system. It is a well-established fact that the sources of general international law are widely considered to be articulated under Article 38 of the Statute of the International Court of Justice. These are generally relevant for the regulation of outer space, but other 'non-traditional' modes of guidance and/or regulation have also been developed in this area. This paper critically examines the provisions of Article 38, in order to discern those traditional and other sources of international law that are applicable to outer space and outer space activities. Particular attention is given to the development of customary international space law, state practice, and the role of 'judicial decisions and the teachings of the most highly qualified publicists', as well as more broadly to so-called 'soft law', for the determination of rules of international space law.