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SPACE ACTIVITIES IN THE JURISPRUDENCE OF INTERNATIONAL DISPUTE SETTLEMENT
INSTITUTIONS

IN THE JURISPRUDENCE OF INTERNATIONAL DISPUTE SETTLEMENT INSTITUTIONS

Abstract

Whereas the International Court of Justice has so far not yet been seized with any dispute concerning space activities, certain aspects of such activities – particularly in cases relating to space communication – have been faced by other international dispute settlement institutions of judicial or quasi-judicial character. These cases involve different subjects of international law: States within the legal framework of WTO and ITU, respectively; private commercial entities in the majority of cases dealt with in commercial or investment arbitration procedures; parties in respect of a defined legal relationship as regards the Permanent Court of Arbitration Rules on Outer Space Disputes; or even individuals in proceedings before human rights institutions. This paper analyzes issues connected with the jurisdiction of such international institutions as regards disputes resulting from space activities. Based on an examination of the “space cases” decided by the European Court of Human Rights, it focuses on the personal scope of application of the European Convention on Human Rights and the “victim character” of the various applicants. In continuation of the discussions held both during the 2nd Luxembourg International Workshop on Space Communication (2013) and the 2013 IISL Colloquium, it concludes by determining the rules on the choice of the forum in disputes resulting from space activities.