

59th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)  
8th Nandasiri Jasentuliyana Keynote Lecture on Space Law and Young Scholars Session (1)

Author: Mr. Pierfrancesco Breccia  
Sapienza - University of Rome, Italy

ARTICLE III OF OUTER SPACE TREATY AND ITS RELEVANCE IN THE INTERNATIONAL  
SPACE LEGAL FRAMEWORK.

**Abstract**

The core of space law, by nature and by necessity, forms part of international law. Article III of Outer Space Treaty specifically obliges States to act in accordance with international law including the UN Charter. During the *travaux préparatoires* Article III was debated that, regarding certain matters, space law may diverge from accepted international law. Indeed, it is generally accepted by scholars that Article III does not imply an automatic extension of international law to outer space and celestial bodies, including the UN Charter *in toto*. However, even though space law claims to some extent priority over general international law, it does not mean that it is a self-contained regime. International space law neither possesses an independent identity on general international law, nor does it come into being outside the law-making process established by the latter. Since the beginning of the space age, international law has been shaping space law. Despite the peculiarity of space environment Article III provides that space law is intrinsically and extensively linked with international law and its other branches, defining their interactions and synergies.

This paper examines that international law clarifies and develops basic principles applicable to outer space in order to guarantee space security and sustainability. Throughout the ICJ decisions and international practice, the notion of sustainable development has softly grown as a concept firstly, and then qualified as an objective. Accordingly, the need for adopting measures most likely to achieve the objective with which specific states conduct must be consistent also in carrying on space activities. Numerous are the efforts on space security to define standards and principles that ought to guide the behaviour for ensuring that conduct of states is consistent with international law. Nowadays, due to the rapid expansion of space activities and the lack of international binding instruments this process is coming into being throughout UN resolutions, guidelines, TCBMs and codes of conduct. These non legally binding instruments are important tools in the evolving process of international law for providing to the states a conduct in order to cover fundamental areas of concerns.

In consideration of the difficulties and complexity of the traditional law-making process in adapting the existent *corpus iuris spatialis* to the new needs, the flexibility of the wording of Article III ascertains that international law, throughout its sources, will be extended to the use of outer space in the broadest sense.