

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

Dispute Settlement in Space Law: Are We Ready for the Commercial Challenge? (2)

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FROM RES NULLIUS TO COMMON HERITAGE OF HUMANITY

Abstract

For Paulo Borba Casella, eminent professor of international law at the University of São Paulo (USP), the examination of international spaces and what he calls "recurrences of spatiality" is a product of the institutionalization of the treatment of international spaces, the recognition of shared interests and common needs - including humanity's survival efforts. Paulo Borba Casella cites J. P. Pancrácio (1997): "International spaces are beyond the control of any sovereignty and do not leave this if not reduced place. They are, by definition, open to free access by nationals of the state, regardless of their nationality, as by the states themselves. They are also, for the most part, effects of peaceful activities (Antarctica, extra-atmospheric space and celestial bodies, Zone of the ocean bottom), as well as activities, aiming at the interest of humanity (Zone, celestial bodies)." In classical international law, power plays took place between states, and private interests occupied the center of attention of governments. The present world is very different: it has become much broader, more comprehensive and complex. The power plays between states no longer express the whole global reality. The evolution of recent decades in the treatment of spaces by postmodern international law makes clear a considerable change in quality. New basic concepts emerged to organize the international institutional and normative system. The present work seeks to examine the most important ideas and concepts created by the talented professor Paulo Borba Casella, who today occupies a prominent place in the development of international law in the Brazilian academic world.