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

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THE SUBJECTS OF INTERNATIONAL SPACE LAW

**Abstract**

Entities enjoying international legal personality are generally regarded as the ‘subjects’ of general international law and international space law, and are considered to possess rights and obligations under international law. While States have historically been recognised as the principal subjects of international law, non-State actors, such as international organisations, non-governmental entities, multinationals corporations, and (arguably) individuals, are increasingly empowered with rights and burdened with obligations on the international plane. However, the rights and obligations of non-State actors under international law are not on par with States, and are determined in accordance with rules of international law in the specific circumstances.

International space law, although embedded in general international law, contains unique principles and rules that are in some cases different from those of general international law. With the changing nature of activities due to technological developments, and the proliferation of actors in the space domain, it is necessary to critically revisit the matter of what are considered as the subjects of international space law. In this paper, we analyse some of the most relevant provisions of the five United Nations space treaties in order to discern those entities that are subject to this unique international legal regime. This question is important both from the doctrinal perspective, and as a matter of practical relevance, as space activities are increasingly being undertaken by non-State actors under the jurisdiction and control of, or having a nexus with, several States.