

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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PROS AND CONS OF FUTURE PROBLEMS IN OUTER SPACE DISPUTE SETTLEMENT

Abstract

XXI century in outer space activities is symbolizing by the growing number of participants acting through governmental and non-governmental entities. Different directions of the use and exploration of outer space and celestial bodies can cross in a part of interference by one space object to another or by the same ambitions on a certain part of outer space or plot on the Moon/Mars/etc. To resolve potential disputes based on international space law there is only one procedure in accordance with provisions of the Convention on International Liability for Damage Caused by Space Objects (1972). Unfortunately, suggested Commission by Liability Convention did not apply in practice. Just one claim was made due to the Liability Convention in the case Cosmos 954 (USSR v. Canada), but the problem was solved through diplomatic channels.

PCA's Optional Rules for the Arbitration of Disputes Relating to Outer Space Activities Another is another way to resolve a dispute peacefully. The Rules is flexible and suggests panel of independent judges and experts but again to date there no any case. Except of Liability Convention and PCA's Optional Rules it may be found different procedures in the framework international intergovernmental organizations such as ITU or WTO. States, of course, can use the authority of ICJ in inter States disputes or national courts in damage caused in the governmental territory by launching State to its natural or juridical persons. In practice majority of cases deal with national judgements when international practice is silent on it.

Bearing in mind different opinions on the best way to dispute settlement in outer space activities the first aim of this paper will be to identify the newest one – using of the UNCLOS dispute settlement practice. The existing procedure in international sea law is seemed to be the most applicable and rich-practice. Second task of the research will be devoted to the analyses of supposed situations in space activities area with States and legal entities for future understanding of the disputes' nature and its variability.