

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Dispute Settlement (2)

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RE-INVIGORATING INTERNATIONAL ARBITRATION OF SPACE RELATED DISPUTES BY
NATIONAL LEGISLATION**Abstract**

Since the 1960s, there have been treaties, setting the law of outer space. More and more, technical and economic realities live up to the entrepreneurial dreams of the past. There are longstanding ways and means of dispute resolution between states, even if little tested in practice with regard to outer space. The outer space treaty establishes and codifies an unusually high degree of state attribution and responsibility for non-governmental activities in outer space. The developments of the last decade have demonstrated an ever growing private space industry. In due time, this will lead to an ever growing number of private-to-private, private-to-state and state-to-state disputes. This piece will not explore the latter one. Space related disputes involving private parties, will require other means of resolution. While not undermining the necessarily high degree of state responsibility and the discretionary right of states to engage in diplomatic protection of their subjects, this paper proposes to de-politicize disputes involving private parties where possible.

The paper proposes coordinate national legislation by states parties to the UN space treaties to make some effective way of resolving international disputes regarding space activities part of their national licensing requirements for space activities. The paper will analyze several options for this, ranging from the Permanent Court of Arbitration, ad hoc arbitral tribunals and the creation of a specialized space arbitral body.