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AN ANALYSIS OF SPACE LAW SYSTEM AS AN EXAMPLE OF SELF-CONTAINED REGIME: A
STRANGER IN THE CROWD

Abstract

Space law as one of the branches of international law, albeit as a special branch, has unique and special characteristics. The effect of these features is such that space law can be viewed as a kind of isolated area of international law that has not been able to adapt itself adequately to general international law. Creating a special rule for attribution of national activities of the non-governmental space agencies to States concerned, instances of humanization of space law incorporated in the provisions of the five space law treaties that mirror a kind of relative departure from State-centric system of international law and eventually the lacunae left by the space law instruments on designing dispute settlement mechanism for dealing with space law disputes are regarded as some examples reflecting the distinct feature of space law system. Choosing the analytical research method, this paper aims at answering to this main question that considering the distinct features of space law system and *lex specialis* rules set forth in the five space law treaties, how and to what extent space law can be considered as a stronger form of self-contained regime. Furthermore, this question will be examined that to what extent and how the isolation of space law system in the general international law can be affected by regarding space law system as a kind of self-contained regime. For this purpose, the paper firstly goes through the concept of *lex specialis* and self-contained regime under international law. In this respect, Article 55 of the 2001 Draft Articles on the Responsibility of States for Internationally Wrongful Acts as well as the 2006 Report of the International Law Commission (“ILC”) on the fragmentation of international law will be taken into consideration. Afterwards, by resorting to the general rule of treaty interpretation, as set forth in Article 31 of the Vienna Convention on the Law of Treaties (“VCLT”), clear examples of *lex specialis* rules, as enshrined in the space law treaties, will be examined. Taking the instances of *lex specialis* rules into account, this issue will be analyzed that whether space law is regarded as a self-contained regime, meaning that it enjoys priority over rules of general international law and is able to live without any interaction with general international law system.