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ARE DISPUTE SETTLEMENT MECHANISMS READY TO DEAL WITH SPACE-RELATED
DISPUTES?

Abstract

Recent scientific developments modified the relationship humankind has with outer space, leading to a “commercial space era”. This will undoubtedly turn into more disputes, especially when the room for negotiation shrinks when more actors join in conducting space commercial activity. The limited experience in resolving space disputes raises the question whether the international legal system (broadly covering the public international legal system, such as the *corpus iuris spatialis* among other treaties or institutional rules that may be applicable for dispute settlement) is prepared to solve potential disputes which may arise from this exponential growth in space activity. Consequences of space activity are not limited to physical damage to space stations or astronauts, which had already been provided for in conventions such as the Convention on International Liability for Damage Caused by space objects signed in 1972. Present events such as the development of the internet constellation of artificial satellites Starlink or interest in space mining show that space commercial activity is rapidly increasing (mainly involving the satellite launching operation and disposal). This will have a direct and indirect consequences on terrestrial. Therefore, conflict will rise accordingly (i.e. increase possibility of collision between satellites and damages caused by debris). The proposed paper will review and define a typology of the potential disputes that may arise with a space-related component, and it will analyse existing sources under international law to provide with a solution of such potential space-related disputes. In making such a review an assessment will be made of the dispute settlement mechanism available to understand if there is a need to move towards specialization (i.e. a special set of procedural rules related to space for either state-to-state or private parties disputes, a specialized international court or the creation of a specialized institution). Therefore, the analysis will include potential disputes between States (or their specialized agencies), between private parties (investors) and the host state, as well as commercial disputes between private parties (such as those related to operation of satellites mainly for the provision of telecommunication services). The author believes that there is no need to move towards specialization since the issue at hand does not constitute a specific transaction by itself, and potential disputes can be dealt with by the current tools available under international law, such as international arbitration.