

The background of the cover is a vibrant night sky. It features a dense field of stars, some with prominent four-pointed diffraction patterns. There are also soft, glowing nebulae in shades of blue and purple. In the lower portion of the image, the dark silhouette of a castle with multiple towers and spires is visible against the starry background. The overall color palette is dominated by deep blues, purples, and whites from the stars.

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## SPACE ARBITRATION: DISPUTE SETTLEMENT MECHANISM IN THE OUTER SPACE

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### ABSTRACT

Outer space has been a subject of human fascination and exploration for centuries. With the increasing commercialization of space activities, the need for effective means of resolving disputes in outer space has become increasingly pressing. Space arbitration has emerged as a viable option for settling disputes in this realm, offering a flexible and efficient way to resolve disputes and maintain international peace and stability in space.

### KEYWORDS

Space, Arbitration, International Space law, Outer Space, Alternative Dispute Resolution, United Nations, ICJ

### INTRODUCTION

Space arbitration is an important mechanism for resolving disputes in outer space and maintaining international peace and stability in this realm. The increasing commercialization of space activities has led to a rise in the number of disputes that may arise in outer space, and traditional legal mechanisms may not always be adequate for resolving these disputes in a timely and efficient manner.

### INTERNATIONAL LEGAL FRAMEWORK FOR OUTER SPACE

The legal framework for outer space activities is set forth in the Outer Space Treaty of 1967, which established the basic principles governing the use of outer space. The treaty establishes that outer space is the common heritage of humankind and that it is to be used for peaceful purposes. It also prohibits the placement of nuclear weapons or other weapons of mass destruction in outer space, and it prohibits states from claiming sovereignty over any portion of outer space.

In addition to the Outer Space Treaty, there are several other international agreements that address specific issues related to outer space activities, including the Liability Convention, the Rescue Agreement, and the Registration Convention. These treaties provide a comprehensive framework for the peaceful use of outer space, and they form the basis of international space law.

One of the mechanisms for resolving disputes in outer space is the International Court of Justice (ICJ).

The ICJ is the principal judicial body of the United Nations, and it is authorized to provide advisory opinions and to hear and adjudicate disputes between states. The ICJ has jurisdiction over disputes arising from the interpretation and application of the Outer Space Treaty and other related treaties. However, the ICJ is a slow and formal mechanism, and it may not be well-suited to the fast-paced and rapidly changing world of space activities.

Another mechanism to disputes in outer space is diplomatic negotiation. Diplomatic negotiation involves direct negotiations between the parties to a dispute, and it is often used as a first step in resolving disputes. Diplomatic negotiation can be effective in resolving disputes in outer space, particularly where the parties have a common interest in resolving the dispute and maintaining good relations. However, diplomatic negotiation is not a legally binding mechanism, and it may not be



suitable for resolving disputes that involve complex technical or legal issues.

In order to understand the importance of space arbitration as a mechanism for resolving disputes in outer space, it is necessary to examine the historical development of international space law and the legal framework that governs activities in this realm.

### **THE HISTORICAL DEVELOPMENT OF INTERNATIONAL SPACE LAW**

The history of international space law can be traced back to the late 1950s and early 1960s, when the Soviet Union and the United States were engaged in a race to explore outer space. During this period, the two nations agreed to a series of bilateral treaties that established the basic principles of international space law. These treaties included the Outer Space Treaty of 1967, the Rescue Agreement of 1968, and the Liability Convention of 1972.

The Outer Space Treaty of 1967 is considered to be the cornerstone of international space law. This treaty sets forth the basic principles that govern the exploration and use of outer space, and it has been ratified by 113 countries. The treaty establishes that outer space is not subject to national appropriation by claim of sovereignty, use or occupation, or by any other means. The treaty also provides that the exploration and use of outer space should be carried out for the benefit and in the interests of all countries, and it prohibits the use of outer space for military purposes.

The Rescue Agreement of 1968 provides for the mutual assistance of states in the case of a distress situation in outer space. This treaty requires states to render assistance to astronauts in the event of an emergency, and it requires states to return objects launched into outer space that are found on their territory.

The Liability Convention of 1972 sets forth the rules for determining the liability of states for

damages caused by objects launched into outer space. This treaty provides that states that launch objects into outer space shall be liable for damages caused by such objects, and it establishes that states that launch objects into outer space shall have the right to recover compensation for damages caused by objects launched by other states.

### **NEED FOR DISPUTE SETTLEMENT MECHANISM IN THE OUTER SPACE**

The increasing commercialization of space activities has led to a rise in the number of disputes that may arise in this realm. For example, disputes may arise over the use of space assets, such as satellites, or over intellectual property rights related to space-based technologies.

Given the unique nature of outer space and the international cooperation that is required for its peaceful use, traditional legal mechanisms may not always be adequate for resolving disputes in this realm. This is because traditional legal mechanisms may be too slow or too rigid to effectively resolve disputes in a timely and efficient manner.

As a result, there is a growing need for alternative dispute resolution mechanisms, such as arbitration, to address disputes in outer space. Arbitration provides a flexible and efficient way to resolve disputes, and it has been widely used in other areas of international law to resolve disputes in a timely and cost-effective manner.

### **BENEFITS AND CHALLENGES OF SPACE ARBITRATION**

Space arbitration is an alternative mechanism for resolving disputes in outer space, and it is becoming an increasingly popular option for resolving disputes in this realm. Space arbitration offers several key benefits over other dispute resolution mechanisms, including speed, efficiency, and flexibility.



First, space arbitration provides a flexible and efficient means of resolving disputes. Unlike traditional legal mechanisms, which may be slow and cumbersome, arbitration can be used to resolve disputes in a timely and cost-effective manner. This is because arbitration proceedings are typically less formal and less adversarial than traditional legal proceedings, which helps to minimize delays and reduce the cost of resolving disputes.

Second, space arbitration provides a neutral forum for resolving disputes. Unlike traditional legal mechanisms, which may be biased towards certain parties, arbitration provides a neutral forum for resolving disputes, which helps to ensure that all parties are treated fairly.

Third, space arbitration provides a confidential forum for resolving disputes. Unlike traditional legal mechanisms, which may involve public proceedings, arbitration provides a confidential forum for resolving disputes, which helps to protect the interests of all parties involved.

Fourth, Speed is one of the major advantages of space arbitration. Space arbitration can often be completed more quickly than other dispute resolution mechanisms, such as the ICJ, and this can be particularly important in the fast-paced world of space activities. This can help to minimize the impact of a dispute on ongoing space activities, and it can reduce the cost and uncertainty associated with a prolonged dispute resolution process.

Finally, space arbitration provides a specialized forum for resolving disputes. Unlike traditional legal mechanisms, which may lack the expertise to effectively resolve disputes in outer space, space arbitration provides a specialized forum for resolving disputes, which helps to ensure that disputes are resolved in a manner that is consistent with international space law. This is because space arbitrators are typically experts in the field of international space law and are well-versed in the specific

issues and challenges that are unique to this realm.

It is important to note that while space arbitration is a viable option for resolving disputes in outer space, it is not the only option. Other mechanisms for resolving disputes in this realm include mediation, conciliation, and the International Court of Justice. The choice of dispute resolution mechanism will depend on the specific facts and circumstances of each case, and it is important for the parties involved to carefully consider the advantages and disadvantages of each mechanism before choosing a dispute resolution method.

However, space arbitration also poses several challenges that must be considered when deciding whether it is the right mechanism for resolving a particular dispute. One of the key challenges of space arbitration is that it may not be as legally binding as other dispute resolution mechanisms, such as the ICJ. This means that the parties must have a high degree of trust and confidence in the arbitrator and the arbitration process, and it means that the parties must be willing to accept the decision of the arbitrator as final and binding.

Another challenge of space arbitration is that it may not be as well-established or as well-recognized as other dispute resolution mechanisms, such as the ICJ. This can make it more difficult to enforce an arbitral award, and it can make it more difficult to secure the cooperation of the parties in the dispute resolution process.

#### **ALTERNATIVES TO SPACE ARBITRATION**

In addition to space arbitration, there are several other mechanisms for resolving disputes in outer space, including diplomatic negotiation, mediation, and the ICJ. Each of these mechanisms has its own benefits and challenges, and each may be more or less suitable for a particular dispute depending on

the nature of the dispute and the needs of the parties.

Diplomatic negotiation is a commonly used mechanism for resolving disputes in outer space, and it can be particularly effective where the parties have a common interest in resolving the dispute and maintaining good relations. Diplomatic negotiation is flexible and non-binding, which can make it a good option for resolving disputes that involve complex technical or legal issues. However, diplomatic negotiation may not be as legally binding as other dispute resolution mechanisms, such as the ICJ, and it may not be suitable for disputes that involve complex technical or legal issues.

Mediation is another alternative to space arbitration, and it involves the use of a neutral third party to help the parties resolve their dispute. Mediation is often used as a preliminary step before resorting to more formal dispute resolution mechanisms, such as arbitration or litigation. Mediation is a flexible and non-binding process that can be particularly useful in resolving disputes in outer space where the parties are open to compromise and willing to work together to find a mutually acceptable solution. However, like diplomatic negotiation, mediation may not be suitable for disputes that involve complex technical or legal issues, and it may not provide the parties with a legally binding decision.

The International Court of Justice (ICJ) is a formal mechanism for resolving disputes between states, and it has been used to resolve disputes in outer space in the past. The ICJ has the advantage of being a well-established and well-recognized mechanism for resolving disputes, and its decisions are legally binding. However, the ICJ is a slow and bureaucratic process, and it may not be suitable for resolving disputes that require a quick and efficient resolution. Additionally, the ICJ can only hear disputes between states, and it is not available as a mechanism for resolving disputes between private actors in outer space.

## CONCLUSION

Space arbitration is a relatively new mechanism for resolving disputes in outer space, but it is becoming an increasingly popular option for resolving disputes in this realm. Space arbitration offers several key benefits over other dispute resolution mechanisms, including speed, efficiency, and flexibility. However, space arbitration also poses several challenges, including its non-binding nature and its lack of recognition and enforcement mechanisms. When deciding whether space arbitration is the right mechanism for resolving a dispute in outer space, it is important to consider the nature of the dispute, the needs of the parties, and the advantages and disadvantages of space arbitration relative to other dispute resolution mechanisms.

In conclusion, space arbitration provides a flexible and efficient means of resolving disputes in outer space. With the increasing commercialization of space activities, it is likely that the number of disputes that may arise in this realm will continue to increase, and the need for effective means of resolving such disputes will become increasingly pressing. By offering a neutral, confidential, and specialized forum for resolving disputes, space arbitration provides an important means of maintaining international peace and stability in outer space.

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