

RESOLUTION

Resolution No. 13/2000

SPACE LAW

The 69th Conference of the International Law Association, held in London, United Kingdom, 25-29 July 2000:

Having Considered the Report of the Space Law Committee;

1. Review of UN Space Law Instruments in View of Commercial Space Activities:

NOTING the growth, in recent years, of commercial uses of outer space by states, international organisations and private enterprises;

RECALLING that the major international instruments governing outer space were elaborated and agreed before this development and, therefore, do not sufficiently take into account this new and growing volume of commercial space activities;

RECALLING FURTHER that the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) has placed the review of the status of the five international legal instruments governing outer space on its agenda;

NOTING that the recent UNISPACE III Conference in Vienna, Austria, in July 1999 has stressed the need to re-examine present space law instruments in view of the growing commercialisation of the use of outer space;

NOTING ALSO the activities, meetings and reports with relevance in this context produced by the International Institute of Space Law of the International Astronautical Federation as well as in the context of the "Project 2001 - Legal Framework for the Commercial Use of Outer Space" presently undertaken with more than 90 experts from all over the world by the Institute of Air and Space Law of the University of Cologne (Germany);

NOTING AS WELL that the importance of the subject has also been fully recognised by the Iberoamerican Institute of Air and Space Law at its XXIX Conference, Panamá, October 1999;

TAKING INTO ACCOUNT that the Report of the ILA Space Law Committee

to this Conference on a review of the present major space law instruments indicates the need to have more precise rules on the matter as well as possible options for such improvements;

REQUESTS the Committee to elaborate concrete proposals regarding possible amendments of, as well as possible supplements to, the UN space law instruments in view of commercial space activities, to be presented to the next ILA Conference in 2002.

2. Dispute Settlement

NOTING that since the adoption by the Paris Conference of the Association in 1984 of the Draft Convention on the Settlement of Space Law Disputes, the growing volume of space activities and in particular of commercial space activities, as well as the growing participation of non-governmental entities and private enterprises in space activities, have given the issue of dispute settlement regarding space activities a new scope and a new relevance;

RECALLING that the 66th Conference in Buenos Aires held 1994 requested the Space Law Committee to re-examine the 1984 Draft Convention with a view to determining whether developments since 1984 called for any changes to that Draft, for the elaboration of a new instrument, and also to examine in that context what further steps should be taken to promote the peaceful settlement of disputes regarding space activities;

NOTING that the 1984 Draft Convention was presented to COPUOS by the Chairman of the ILA Space Law Committee and that, in the 1998 session of the Legal Subcommittee of COPUOS it has been proposed by the delegation of Austria and supported by some other delegations to consider measures for obtaining a binding dispute settlement system particularly under the Convention on International Liability for Damage Caused by Space Objects;

RECALLING that the 1998 ILA Conference adopted the “Revised Draft Convention on the Settlement of Disputes Related to Space Activities” and requested the Secretary-General to communicate this Revised Draft Convention, together with the Report of the Committee, to COPUOS for further consideration;

NOTING WITH PLEASURE that both in the most recent Report of the Chairman of the Legal Subcommittee of COPUOS and at the UNISPACE III Conference in Vienna in 1999, particular reference was made to the new ILA Revised Draft Convention, it is suggested that COPUOS now take up the matter of dispute settlement related to space activities;

ALSO NOTING WITH PLEASURE that, at the regional and domestic levels, the Instituto Iberoamericano de Derecho Aeronáutico y del Espacio included the subject on the agenda of its XXIX Conference (Panamá 1999) and that the University of Buenos Aires is presently sponsoring a research project of international scope on this topic under the direction of the Rapporteur of the ILA Space Law Committee;

REQUESTS the Committee to continue its consideration of the issues relating to dispute settlement regarding space activities and, in particular, of commercial space activities and of steps that may be appropriate to promote progress in this regard in view of the work of COPUOS related to this subject;

3. Space Debris

RECALLING the Draft International Instrument on the Protection of the Environment from Damage Caused by Space Debris adopted by the ILA Conference in Buenos Aires in 1994;

NOTING that space debris continues to be on the agenda of COPUOS and that the ILA has, in the statements by the Chairman of its Space Law Committee to COPUOS in recent years, suggested that space debris should also be placed on the agenda of the Legal Subcommittee of COPUOS;

TAKING INTO ACCOUNT that the Report of the Space Law Committee stresses the need to keep the topic of space debris under study;

NOTING WITH PLEASURE that both the Report of the Chairman of the Legal Subcommittee of COPUOS to the UNISPACE III Conference in Vienna in 1999 and the discussion at the UNISPACE III reflected the extensive interest in the examination of legal aspects of space debris in the Legal Subcommittee;

REQUESTS the Committee to continue its consideration of the legal aspects of space debris and of steps that may be appropriate in following up the Buenos Aires ILA Draft Convention and in view of the work of COPUOS related to the subject.