An Analysis of Space Law System as an Example of Self-Contained Regime: A Stranger in the Crowd

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Abstract

Space law, as one of the branches of international law, has unique and special characteristics. The effect of these features is such that space law can be viewed as an isolated regime that has not been able to adapt itself to general international law. Creating a special rule for attribution, instances of humanization of space law incorporated in the provisions of the space law treaties and the lacunae left by the space law instruments on designing dispute settlement mechanism are regarded as some examples reflecting the distinct feature of space law system. This paper aims at answering to this main question that considering the distinct features of space law on the one side and *lex specialis* rules set forth in the five space law treaties on the other side, how and to what extent space law can be considered as a stronger form of *lex specialis*, i.e., self-contained regime.

1. Introduction

Space law, having unique and special features (including a special rule for attribution and treaty provisions mirror humanization of international law), is viewed as an isolated branch of international law. This isolation has its origin in the failure of space law to adapt itself with general international law. This paper aims at answering to this main question that considering the distinct features of space law system on the one side and *lex specialis* rules set forth in the five space law treaties on the other side, how and to what extent space law can be considered as a stronger form of *lex specialis*, i.e., self-contained regime. Furthermore, this question will be examined to what extent and how the isolation of space law system in general international law can be affected by regarding space law system as a kind of self-contained regime. For this purpose, the paper firstly deals with approaches to space law in relation to general international law. In this regard, the paper provides its main hypothesis that "space law is not regarded as a self-contained regime

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but is viewed as an isolated one". This being said, in Section 3, this issue is examined why space law cannot be deemed as a self-contained regime. Then, in Section 4, paper goes through the reasons of isolation of space law in general international law. On this basis, the impact of different factors on space law isolation will be considered. Having analyzed the reasons of isolation, in Section 5, this question is to answered which mechanisms may be appropriate for terminating this isolation and which measures should be taken by States and related institutions in this regard. Eventually, Section 6 seeks to justify the necessity of resorting to the mechanisms discussed in Section 5 for purpose of eroding the isolation of space law.

2. Approaches to Space Law in Relation to General International Law

In general, there may be four distinct approaches to space law, as follows: (1) space law is regarded as both a self-contained and an isolated regime; (2) space law is neither considered as a self-contained regime nor as an isolated one; (3) space law is regarded as a self-contained regime, but is not considered as an isolated one; and (4) space law is not viewed as a self-contained regime but is viewed as an isolated regime. As will be discussed, this latter approach is chosen as the paper's hypothesis.

The point of departure for conceptualizing the notion of self-contained regime is Article 55 of the 2001 Draft Articles on Responsibility of States for Internationally Wrongful Acts ("Draft 2001") regarding *lex specialis*. The *Lex specialis* principle or the principle *lex specialis derogat lege generali* refers to one of the main methods for the resolution of normative conflicts. This being said, in case that a given matter is regulated by a general rule and a specific rule simultaneously, the latter shall be prevailed. This is particularly resulted from this fact that the special rule may regulate the issue in question more effectively, Grotius writes.[1] While the mentioned Article does not provide any definition for a self-contained regime, the International Law Commission ("ILC") commentary on Article 55 states that the strong form of *lex specialis* is self-contained regime.[2] On this basis, self-contained regime, as a strong form of *lex specialis*, enjoys priority over the rules of general international law and willing to fully derogate from these rules.[3] The International Court of Justice ("ICJ")'s judgement in the case concerning the *United States Diplomatic and Consular Staff in Tehran* is also in line with

1 M. Koskenniemi, Report of the Study Group of the International Law Commission, "Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law", 13 April 2006, p. 19.

2 ILC, Report of the International Law Commission on the work of its fifty-third session, "Draft Articles on the Responsibility of States for Internationally Wrongful Acts with Commentaries", (2001), p. 140.

3 B. Simma, D. Pulkowski, Of Planets and the Universe: Self-contained Regimes in International Law, EJIL, 17 (2006) 483-529.

this definition of self-contained regime. In this case, the ICJ held that "the rules of diplomatic law, in short, constitute a self-contained regime".[4] Notwithstanding the said definition, as the ILC stated, there is a broader definition of self-contained regime, according to which space law as one field of functional specialization may be identified as a self-contained regime.[5]
At a first glance, it appears that there is a direct connection between regarding a regime as both self-contained and isolated one. The reality, however, is that none of the candidates of self-contained regime including diplomatic law, World Trade Organization ("WTO") law and European Commission ("EC") law can live without any relationship with general international law.[6]
Notwithstanding the foregoing, there may be cases or (in our view) there is a case, though it is not viewed as a self-contained regime, is to be deemed as an isolated branch of international law. On this basis, for the purpose of this paper, the term "isolation" does not mean that space law is able to live without any interaction with general international law, but it implies that due to space law failure to adapt itself with general international law, it was isolated from the mainstream of general international law. Among the mentioned four approaches, therefore, this paper seeks to argue that "space law is not a self-contained regime, but is an isolated one". It should be borne in mind, however, that this view is without prejudice to this fact that space law is an example of *lex specialis*,[7] due to its special characteristics -reflected in the global space governance-.

3. Influential Elements in Regarding Space Law as a Non-Self-Contained Regime

Choosing the fourth approach (i.e., space law is not viewed as a self-contained regime but is viewed as an isolated regime), it is of crucial importance to consider this issue that why space law cannot be deemed as a self-contained regime. Generally, there are three elements hinder space law from being considered as a self-contained regime. Firstly, space law does not enjoy priority over general rules of international law. By invoking Article 31 of the Vienna Convention on the Law of Treaties ("VCLT"), it cannot be overlooked that the five space-law treaties include some *lex specialis*. A perfect example is Article VI of the Outer Space Treaty ("OST") providing that space activities of non-governmental agencies (as well as governmental

4 ICJ Reports, Case Concerning *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*, Judgement of 24 May 1980, p. 40.
5 Koskenniemi, supra n. 1, p. 32.
6 Simma & Pulkowski, supra n.3, p. 504.
7 T. Masson-Zwaan, M. Hofmann, Introduction to Space Law, Fourth ed., Kluwer Law International B.V., The Netherlands, 2019, p. 5.

agencies) are attributed to States, without need for any further evidence proving the attribution.[8] Under general international law on State responsibility, the responsibility of States for national activities of their non-governmental agencies is confined to the circumstances where the State in question "acknowledges and adopts the conduct in question as its own".[9] Another example is paragraph 2 of Article IV of the Liability Convention pertaining to "joint and several of liability" of States. As mentioned in the ILC commentary on Article 47 of the Draft 2001, this Article is a *lex specialis* determining the extent of liability (and not the responsibility) for conduct carried on by two States.[10] Nevertheless, these specific rules in space law legal system would not lead to this conclusion that space law is to be viewed as a legal regime having priority over general international law. The main reason, as reaffirmed by the ICJ in the case concerning *North Sea Continental Shelf*, is that "[i]t is well understood that, in practice, rules of international law can, by agreement, be derogated from in particular cases or as between particular parties".[11]

Secondly, *lacunae* left by specific rules governing space activities will be filled by falling back to international law, including resorting to general principles of international law, customary rules of international law, general rules on State responsibility and notably general rules of treaty interpretation (as set forth in Articles 31 and 32 of the VCLT). One practical example is Kosmos954, where Canada invoked general principles of international law to support its argument.[12]

Thirdly, space law is not and cannot be deemed as a closed legal system. In this respect, it should be noted that a legal system comprises of both primary and secondary rules, as required by Hart.[13] This is perhaps the reason why Klein defines a self-contained regime as a regime includes both primary and secondary rules.[14] There is no doubt that space law legal system is enriched with vital primary rules. On the other side, as mentioned earlier, Article VI of the OST and Article IV of the Liability Convention together with Article XIV

8 Stephan Hobe, Space law, Nomos Publishing, Germany, 2019.
9 ILC, *supra* n. 2, p. 52.
10 Ibid, p. 125.
11 ICJ Reports, Case Concerning *North Sea Continental Shelf Cases (Federal Republic of Germany/Denmark, Netherlands)*, Judgment of 20 February 1969, para. 472.
12 B. Schwartz, M. L. Berlin, After the Fall: An Analysis of Canadian Legal Claims for Damage Caused by Cosmos 954, McGill L.J., 27 (1982) 676-720.
13 H.L.A. Hart, The Concept of Law, Third ed., Oxford University Press, United Kingdom, 2012.
14 C. D. Johnson, The Law of Outer Space: A Self-Contained Regime? in: Philippe Achilleas and Stephan Hobe (Eds.), Fifty Years of Space Law, Volume 21, Brill Publishers, The Netherlands, 2020, pp. 127-159.

of the Liability convention[15] are perfects examples of specific secondary rules. Furthermore, space law still needs to resort to primary rules of general international law (for example, the rule on prohibition of the use of force)[16] as well as secondary rules of general international law. These considerations clearly demonstrate that space law cannot be viewed as a closed legal system willing to live without any connection with general international law. Yet, it is to be considered why space law appears to be an isolated branch of international law.

4. The Reasons of the Isolation of Space Law as an Example of Non-Self-Contained Regime

Having considered space law as an isolated regime, the reasons of its isolation in international law are to be taken into consideration.

4.1. Deadlock in the Space Law Treaties

The five space-law treaties, are viewed as perfect examples of softness in international law. This means that while their *instrumentum* is hard, their *negotium*, (i.e, the legal content), is soften.[17] This feature together with the tendency of specially affected States (especially the United States and the former Soviet Union) to use compromise in different aspects of space activities have resulted in the deadlock in these treaties. This is the reason why after submitting the OST draft to the Political Committee of the General Assembly ("GA"), Manfred Lachs expressed that "Some of the principles laid down will require further clarification. Some specific issues will call for further elaboration".[18] A clear indication of this deadlock is lack of any treaty clause on accepting the compulsory jurisdiction of the ICJ (or other tribunals) for settlement of disputes arising from space activities.[19] On this basis, the ICJ's jurisprudence (viewed as a subsidiary source of international law), has had a small contribution in the area of space law (solely through

15 Convention on International Liability for Damage Caused by Space Objects, 29 March 1972, entered into force 1 September 1972.

16 F. Tronchetti, Legal Aspects of the Military Uses of Outer Space, in: Frans von der Dunk and Fabio Tronchetti (Eds.), Handbook of Space Law, Edward Elgar Publishing, USA, 2015, pp. 331-381.

17 J. d' Aspremont, Softness in International Law: A Self-Serving Quest for New Legal Materials, EJIL, 19 (2008) 911-917.

18 M. Lachs, The Law of Outer Space: An Experience in Contemporary Law-Making, Tanja Masson-Zwaan, Stephan Hobe (Eds.), Brill Publishers, The Netherlands, 2010.

19 G.M., Goh, Dispute Settlement in International Space Law: A Multi-door Courthouse for Outer Space, Doctoral Thesis, International Institute of Air and Space Law, Leiden University, 2007.

some separate or dissenting opinions of judges).[20] This is contrary to the mainstream of international law. For instance, Article 287 of the United Nations Convention on the Law of the Sea ("UNCLOS")[21] as well as Article 84 of the Chicago Convention ("CC")[22] (as two instruments having similarities with space law) contain compulsory procedures for settlement of disputes arising from the interpretation and application of these conventions.

4.2. The Plurality and the Unique Role of Soft Law in Space Law Legal System

Whilst agreement based on soft law instruments is not a new phenomenon in international law, the plurality of soft law and stopping the treaty-making process may create problems. This can be clearly seen in space law legal system. Since 1979, due to the failure of the Moon Agreement, the process of treaty making was halted. It should be noted that the influences of soft law in designing the legal system of international space law are to the extent that soft legal rules are used as a tool for harmonization of national space laws as well as developing an international regime. The GA Resolution 59/115 of 2004[23] on determining the notion of "launching State" (set forth in both the Liability Convention and the Registration Convention) and Resolution 62/101 of 2007[24] on Registration practice of States are two examples of the former function of soft law. Accordingly, the GA Resolution 41/65 of 1986 on Remote Sensing,[25] Guidelines on Sustainability of Outer Space Activities[26] and Space Debris Mitigation Guidelines[27] (adopted outside the Committee on the Peaceful Uses of Outer Space ("COPUOS") are perfect examples of the latter function of soft law in space law legal system[28] and (as a case-by-case basis) they are viewed as *lex ferenda*. Furthermore, the role of soft law in

20 See, for example: ICJ Reports, *North Sea Continental Shelf Cases (Federal Republic of Germany/Denmark, Netherlands)*, Judgment of 20 February 1969, Dissenting Opinion of Manfred Lachs.

21 UNCLOS, 1982, Article 284.

22 CC, 7 December 1944, entered into force 4 April 1947, Article 84.

23 A/RES/59/115, "Application of the Concept of 'Launching State'", adopted at 59th Session of the General Assembly, 2004.

24 A/RES/62/101, Recommendations on enhancing the practice of States and international intergovernmental organizations in registering space objects, adopted at the 62nd Session of the General Assembly, 2007.

25 A/RES/41/65, Principles relating to remote sensing of the Earth from outer space, adopted at the 41st Session, 1986.

26 COPOUS, Guidelines for the Long-term Sustainability of Outer Space Activities, (27 June 2018), U.N. Doc. A/AC.105/L.315.

27 Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space, 2010.

28 S. Aoki, The Function of 'Soft Law' in the Development of International Space Law in: Irmgard Marboe (Eds.), Soft Law in Outer Space: The Function of Non-binding Norms in International Space Law, Brill Publishers, The Netherlands, 2012, pp. 57-86.

space law extends to acting as a tool for interpretation of hard rules of space law.[29] In this regard, reference can be made to the GA Resolution 51/122 of 1996,[30] interpretating Article I (1) of the OST. As can be seen, using as a tool of interpretation, soft law in the realm of space law is playing a role that courts and tribunals have in other branches of international law. This trend, by itself, has led to the isolation of space law in general international law.

4.3. Uncertainty of Customary Rules of International Space Law

If we do not accept the view that general international law is nothing more than customary rules of international law,[31] there is no doubt that customary rules are regarded as an integral part of general international law. Indeed, these rules may act as an instrument by which each branch of international law and general international law may be connected to each other. As a consequence of this connection, the isolation of a regime in question can also be avoided. Although to date on doctrinal level, the customary nature of some rules of international space law (such as freedom of exploration and use of outer space and prohibition of appropriation of outer space)[32] was recognized, in the framework of space law, we encounter with the uncertainty of customary rules. This is mainly resulted from lacking of any third authority, (including a Court or an organization) for finding these rules.

4.4. Adoption of National Space Legislations

The last reason (but not least) is adopting national space legislations. These space legislations not only are regarded as a reason of space law isolation but are considered as a factor aggravating fragmentation of global space governance. While national legislations play a part in other areas, such as air law and law of the sea, the role played by national space legislations cannot be comparable with those mentioned areas. This is due to the fact that by halting the treaty making process and the failure of some instruments (including the Moon Agreement), national legislations are able to absorb a new general practice which is in contradict with the Moon Agreement and some fundamental principles of international space law, (for example, the principle of non-appropriation and the common heritage of all mankind). In this regard, reference can be made to domestic laws on space mining and space resources adopted by the United States, Luxembourg, United Arab

29 Hobe, *supra* n. 8, p. 43.

30 A/RES/51/122, "Declaration on International Cooperation in the Exploration and the Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries", 1996.

31 G. Tunkin, Is General International Law Customary Law Only?, EJIL, 4(1993) 534-541.

32 V.S., Vereshchetin, G.M., Danilenko Custom as a Source of International Law of Outer Space, J. Space L., 13 (1985) 22-35.

Emirates and Japan.[33] It may be predicted that due to the emergence of New Space, the number of national space legislations is increased and this process may inevitably accelerate the isolation of space law.

5. The Mechanisms for Terminating the Isolation of Space Law

Space law cannot path its way in isolation from general international law. Given the emergence of new actors and the necessitate for creating or at least updating rules governing space activities, terminating the isolation of space law is needed and highly recommended. In doing so, some mechanisms are proposed.

5.1. The Establishment of Global Space Organization

Despite the United Nations ("UN") have played and is playing a vital role in space law rule making, specially through COPUOS and (as a case-by-case basis) by means of other UN specialized agencies in area of space law the establishment of a global organization is needed. Its establishment (particularly, as one of the UN specialized agencies)[34] would be influential in terminating the isolation and institutional fragmentation of space law. By analogy with the International Civil Aviation Organization ("ICAO"), granting quasi-judicial jurisdiction to the global space organization and regarding the ICJ as a Court of appeal would make a significant contribution in abolishing one of the main reflections of space law isolation.

5.2. The COPOUS Agenda Item on Terminating Space Law Isolation

Similar to several agenda items of the COPUOS, it is proposed that the COPUOS invite States and those who have expertise in this area for discussion under a new agenda item on "termination of space law isolation". Needless to say, if this agenda results in adoption of a new treaty or a hard space law instrument, the problem of isolation of space law may be gradually solved.

5.3. Amending the Existing Space Law Treaties or Adopting a New Space Treaty

Deadlock in space law treaties is deemed as one of the reasons of space law isolation. This being said, agreement of States for amending the five-space law treaties or adopting a new instrument can amount to putting space law in

33 F. Tronchetti, H. Liu, The White House Executive Order on the Recovery and Use of Space Resources: Pushing the Boundaries of International Space Law?, Space Policy, 57(2021) 1-8.

34 F. Gaspari, A. Oliva, The Consolidation of the Five UN Space Treaties into One Comprehensive and Modernized Law of Outer Space Convention: Toward a Global Space Organization, in: George D. Kyriakopoulos, Maria, Manoli (Eds.), The Space Treaties at Crossroads: Considerations de Lege Ferenda, Springer International Publishing, Switzerland, 2019, pp. 183-197.

mainstream of general international law. The proposal for amending space-law treaties (at least, the OST), is not new, but it was emphasized by many scholars.[35] This process can be done in accordance with Article 39 of the VCLT[36] and final clauses of the five space-law treaties on treaty amendments. Even, despite its practical problems, it is proposed that a new space treaty (which may fill the legal gaps of the previous instruments)[37] is adopted by States. The inclusion of a clause on compulsory dispute settlement procedures can be just one example of the new space treaty provisions.

5.4. Interaction between the ILC and COPUOS

The ILC does not play any role in codification or progressive development of space law. This is despite its mandate under Article 13 of the UN Charter. While the existence of an institution (tasked with codification and progressive development of a specific legal regime) along with the ILC, is not new in international law,[38] it cannot be ignored that COPUOS activities without any connection with the ILC has resulted in isolation of space law. Among the ILC reports, there is no report on even progressive development of space law. There are just some references to space law rules for purpose of dealing with other topics, (including international liability for injurious consequences arising out of acts not prohibited by international law).[39] Additionally, it should be noted that this failure of the ILC, by itself, amounted to another reflection of space law isolation, according to which space law did not and does not take into consideration by textbooks of international law, institutions and academies of international law in an appropriate manner.[40] This being said, connection and interaction between COPUOS and the ILC is necessitated. It may be predicted that by incorporating space legal issues to the ILC reports, reflections of space law isolation may be faded away.

5.5. Identifying and Determining Customary Rules of International Space Law by COPUOS

Uncertainty of customary rules of international space law is one of the reasons of space law isolation. In the area of international humanitarian law, the International Committee of the Red Cross ("ICRC") identified 161

35 S.G., Sreejith, Whither International Law, Thither Space Law: A Discipline in Transition, Cal. W. Int'l L.J., 38(2008) 331-417.
36 VCLT, signed on May 23, 1969, Article 39.
37 Gaspari and Oliva, supra n. 34, p. 192.
38 B. Simma, D. Khan, et.al. The Charter of the United Nations: A Commentary, Third ed., Oxford University Press, Oxford, 2012.
39 ILC, International Liability for Injurious Consequences Arising out of Acts not Prohibited by International Law (International Liability in Case of Loss from Transboundary Harm Arising out of Hazardous Activities), Yearbook of the International Law Commission, Vol. II, Part 1, 2006.
40 Sreejith, Opict, p. 333, 371-374.

customary rules.[41] As stated by the ILC, publications of the ICRC in this respect made a valuable contribution in determining customary rules of international law[42] and it appears that, *mutatis mutandis*, this may apply for COPUOS.

5.6. Reaction of Emerging Space States

While developing States cannot be viewed as specially affected States in the realm of outer space, their reaction to the legal framework of space activities would be influential. The experience has shown that silence of these group of States may lead to aggravation of the space law isolation. This becomes even more important due to this fact that silence of these group of States imply that they tacitly accept the practice of other States,[43] including specially affected ones. This is in line with the ICJ judgment in the dispute between *Malaysia and Singapore*, according to which "the absence of reaction may well amount to acquiescence".[44] Developing States' inaction in predicting a dispute-settlement clause, adoption of the Artemis Accords, plurality of soft law instruments and stopping the treaty-making process are clear examples in this respect. On this basis, reaction of these emerging States, whatever the form, may definitely contribute to terminating space law isolation.

6. The Influences of Space Law on General International Law

The souvenirs of space law for international law should not be overlooked. This is another reason why the isolation of space law to be terminated.

6.1. Common Heritage of Mankind

Whilst the notion of "common heritage of mankind" was firstly proposed by Arvid Pardo (as the representative of Malta) in 1967 with regard to seabed,[45] this principle was firstly reflected in the Moon Agreement in 1979. Even, the concept of "the province of all mankind" as the logic behind the common heritage of mankind was initially enshrined in the 1967 OST. This being said, it cannot be overlooked that Part XI of the UNCLOS as well as the

41 IHL Databases, Rules, https://ihl-databases.icrc.org/en/customary-ihl/v1, (accessed 03.09.2023).

42 A/73/10, Yearbook of the International Law Commission, Report on the Identification of Customary International Law, vol. II, Part Two, 2018, p. 132.

43 M. P. Scharf, Customary International Law, in: Times of Fundamental Change: Recognizing Grotian Moments, Cambridge University Press, Cambridge, 2013.

44 ICJ Reports, Case Concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia v. Singapore)*, Judgement of 23 May 2008, p. 42.

45 G. D. Kyriakopoulos, Positive Space Law and Privatization of Outer Space: Fundamental Antinomies, in: George D. Kyriakopoulos, Maria, Manoli (Eds.), The Space Treaties at Crossroads: Considerations de Lege Ferenda, Springer International Publishing, Switzerland, 2019, pp. 1-14.

establishment of the international seabed authority was influenced by Article 11 of the Moon Agreement.[46]

6.2. Instant Custom

The term "instant custom" (as a custom deviate from two-element theory of customary international law) was initially used in space law context by Bin Cheng in 1965.[47] Since then, this term was recognized by international community and reflected in the ICJ's jurisprudence. A perfect example is the ICJ judgement in the *North Sea Continental Shelf*, where the Court held that "the passage of only a short period of time is not necessarily or, of itself, a bar to the formation of a new rule of customary international law".[48]

6.3. Instances of Humanization of International Law in Space Law Treaties

The transition from the State-centric system of international law is undeniable. This process is what is known as "humanization of international law" and is regarded as stepping towards *New Jus Gentium* provided by Judge Trindade.[49] An interesting issue here is that space law is one of the most appropriate areas which can mirror the indications of this process perfectly. The main reason of this issue is rooted in the nature of outer space as a global common.[50] Out of the five space law treaties, the concepts of "province of all mankind", "common heritage of mankind" and notably "the envoys of mankind" can be viewed as the implications of moving towards the humanization of international law and international space law.

6.4. Departure in Organizational Model by the Emergence of Trans-governmental Space Networks

International organizations, as new actors of international law, emerged in 20th century. Despite some examples of these soft organizations (known as trans-governmental networks) were emerged in some areas (including environmental law or competition law), space law is to be viewed as an appropriate platform for the appearance of these kinds of organizations. The Disaster Charter and UN-SPIDER are examples of these networks and they have unique form of international legal personality. Basing on loosely structured and peer to peer ties on the one side and relying on the

46 Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, 5 December 1979, entered into force 11 July 1984, Article 11.
47 B. Cheng, Studies in International Space Law, Oxford University Press, Oxford, 1997.
48 ICJ Reports, supra n. 11, p. 43.
49 A. A. C. Trindade, International Law for Humankind: Towards a New *Jus Gentium*, Brill Publishers, The Netherlands, 2010.
50 R. S., Jakhu, J. N. Pelton, Global Space Governance: An International Study, Springer International Publishing, Switzerland, 2017.

participation of national agencies of different States on the other side),[51] trans-governmental networks in the area of space law played a crucial part in shifting from the hard form of international organizations to soft ones.

7. Conclusion

Space law, as one of the branches of international law, has special characteristics. The influence of these unique features is to the extent that space law is viewed as an isolated branch of international law. This isolation resulted from several factors. Due to the emergence of new actors in space law and given the increasing number of space activities, abolishing space law isolation is highly needed. This concern becomes even more important by paying attention to positive influences of space law legal system for general international law. As a result, using one of the proposed mechanisms for terminating the isolation of space law would be crucial.

51 K. W. Abbot, C. Kauffmann, et.al, The Contribution of Trans-Governmental Networks of Regulators to International Regulatory Co-operation, OECD Regulatory Policy Working Papers, 2018.