



Arbitration in Outer Space; arbitrators listed

by Nicholas Gould, Partner

I could not resist the title, but in fact rules for arbitration relating to space law were launched in December 2011. This is not, of course, strictly arbitration in outer space, but arbitration relating to space law, and so in reality disputes relating to the construction and launching of communications satellites together with the investments relating to that industry.

The global space industry is now estimated to be worth more than US\$275 billion. It continues to grow in turnover and importance to industry and everyday life. This factor, combined with the international arbitration institution communities' willingness to produce industry-specific rules, meant that space-specific rules were inevitable at some point. However, it was the Permanent Court of Arbitration ("PCA") that made effective on 6 December 2011 the Optional Rules for Arbitration of Disputes Relating to Outer Space Activities. The project commenced in 2009, led by the PCA Secretary General, in order to provide a specialist service for this evolving area. An important aspect of these Rules has been the development of a list of space experts whom the PCA can appoint either as experts or arbitrators.

On 2 October 2012 the first list of specialist arbitrators was published. Sixteen arbitrators from 14 countries are represented; Australia, Austria, People's Republic of China, Czech Republic, Denmark, Dominican Republic, Italy, Republic of Korea, Netherlands, Nigeria, Russian Federation, Serbia, Thailand and Turkey. The arbitrators are: Mr Henry Burmester QC, Professor. Mag. Dr. Irmgard Marboe, Mr. Huang Huikang, Prof. Dr. Mahulena Hofmannova, Mr. Christian Lundblad, Mr. Pascal Pena Perez, Professor Sergio Marchisio, Professor Won-Hwa Park, Mr. Frans Gerhard Von Der Dunk, Ms. Tania L. Masson-Zwaan, Chief Christopher Adebayo Ojo, Judge V.S. Vereshchetin, Prof. Dr. Obrad Racic, Mr. Jaturon Thirawat, Professor Dr. Kemal Baslar.

The PCA Optional Rules are based upon the UN Commission on International Trade Law Arbitration Rules, which are well respected. So, while the title of these new Rules appears to be in optimistic preparation for some future generation, it is in fact meeting the market demand now, from a respected institution that has taken time to develop an appropriate list of arbitrators and experts.

The rules can be found [here](#).

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