CONFLICTS RESOLUTION IN THE CONDITIONS OF THE REFORM AND COMMERCIALIZATION OF THE SPACE INDUSTRY IN THE COMMONWEALTH OF INDEPENDENT STATES (THE CIS) COUNTRIES

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Introduction

Today we are witnessing a continuous growth of the space industry in the States-participants of the Commonwealth of Independent States (hereinafter the CIS). Also in the past decade the legal regulation of space activities in the CIS was continuously developing and improving. However, there are number of unresolved problems, which aggravate the development of cooperation between the CIS space entities and overseas partners.

One of such problems is the absence of an effective technical-legal mechanism for conflicts resolution.

In this paper the authors proposed a methodology for the legal regulation of resolution of the conflicts related to space activities (the CIS context). Using the achieved results, the authors drafted the legal model for the regulation of settlement of disputes that could arise during activities of the space entities from the CIS.

Conflict resolution is one of the most important components of law that should be developed as soon as possible. This is especially important in the light of the fact that most space projects being launched by space entities from the CIS are of commercial nature.

The problem of space-related conflicts resolution in a context of general tendencies of the modern International Space Law

Expansion of international cooperation is one of the main consequences of the «cold war» termination for human's activities in the field of peaceful exploration and use of outer space. At the same time the new actors – private entities came into the arena of space activities. In the domain of space law above factors demanded further development of its norms both at international and national levels.

Today slowing down of law-making activities in the field of the international space law is observed. The efforts of international community are aimed on stimulation of ratification previously adopted international treaties by the states. Implementation of the provisions of the international treaties into the Law of global community is also important.

Today in scientific concept we can often come across with the dissemination of view justifying lack of capabilities of the international space law and necessity for this area of a role of national regulation growing. For instance, the US lawyer G. D'Angelo pointed out, that «from a practical point of view», the effect of space treaties «is somewhat limited» because those treaties «mostly deal with issues of principle and not with the day-to-day activities of aerospace companies»[1].

With no intention to contest this point of view, we would like to point out that the commercial development in space activities requires that attention of a law-maker first of

all is to be paid to review and formulation of the International Space Law norms. The careful revision of the modern problems of the International Space Law leads us to conclusion that one of the most important problems is the problem of creation of effective mechanism of the conflicts resolution. This mechanism is closely connected to another critical problem – the legal liability. Unfortunately, today the level of development of both of these institutes in the International Space Law fails to meet the requirements of time. At the same time the future of the international cooperation in the field of space activities depends on prompt and effective resolution of the above issues.

As the scientist B. Cheng pointed out «there remain a number of areas where international agreements would be desirable from the standpoint of commercial development in outer space. In the first place, apart from the Liability convention, none of the other treaties on outer space concluded under the auspices of the United Nations contains a proper dispute settlement procedure»[2].

Despite of their potential efficiency, many initiatives of the states, international organizations, scientists, where not implemented. For instance, we can determine the destiny of the project of the Convention on the Settlement of Disputes Related to Space Activities only in indefinite terms.

The way out from existing situation is immediate task. For instance, the other law branches provide rather important precedents. Today application of the norms of the international space law and disputes resolution developed at a regional level gains our attention and importance.

Role and tasks of the CIS in the resolving of regional problems of space integration

Today alongside with processes of the globalization that has embraced the world's economics, tendency of creation of regional intergovernmental formations invoked to decide political, economical and other issues is taking place.

Typically for all of existing communities, unions, associations of the states forming on the regional basis, is the similarity of a historical path of development, commonality of economical problems, unified vision by a political management of the States-participants of the purposes and problems of the economic integration. Also the existence of organizational structures, which delegate a part of the national sovereignty, is important factor[3].

One of such communities is the Commonwealth of Independent States, established in 1991 by the majority of the former republics of the USSR.

The States-founders of the CIS intended to maintain the economical, cultural and another potential, which they possessed from the USSR. The preservation of the space industry was especially important both for defensive capability of the new States, and for development of their technological and economical potential.

In theirs national boundaries newly established States continued the process initiated by the USSR – conversion of the space industry, transformation it into a civil sector of economy, enlargement of the international cooperation in the field of peaceful exploration and use of outer space.

The main successors of the space industry of the USSR are three states – Kazakhstan, Russia and Ukraine. Today these States are actively involved in exploration and use of outer space.

The course on reorganization and commercialization of the space industry is

mirrored in their national normative acts. For instance, in the Section I, article 4 of the Law of Ukraine «About space activities» of 1996 is established, that «the main directions of the space activities in Ukraine are: support of the State of the commercial development of the space activity and attraction of the investments into the space industry of Ukraine». The similar declarations can be found in the normative documents of the Russian Federation and Kazakhstan.

All above mentioned three states are the participants of the basic international agreements on space adopted under the auspices of the United Nations. These states launches own space programs, theirs entities participates in the numerous international space projects, both within the framework of the CIS, and with another countries of the World.

Taking into account the presence of such vast space activity, especially of commercial nature, we can predict a growth of a number of space-related conflicts. Therefore, for the region of the CIS today the most actual problem is existence of the legal mechanism of possible space-related conflicts resolution. The special complexities of development of effective mechanisms of the settlement of disputes in these countries are connected with the fact, that apart from the problems, related to the international space law, they meet a lot of the legal problems of general nature, connected to reforming of their national legal and judiciaries systems.

Meanwhile, the increase of quantity of the intergovernmental space projects, commercial projects with participation of private entities, demands resolving of the problem of the resolution of disputes, from which depend both prospect of cooperation, and attraction of foreign investments.

Legal base of the intergovernmental cooperation of the States-participants of the CIS in the field of peaceful exploration and use of outer space

The cooperation of the states of the CIS in the field of peaceful exploration and use of outer space is regulated by a number of the intergovernmental agreements.

At once after disintegration of the USSR and establishing of the CIS the States-participants of this new formation attempted to resolve a problem of partition of the space industry of the former USSR and to determine paths of joint exploitation of it. It was called by the fact that many components before unified space complex of the USSR could not be exploited separately. For example, the space complex «Baikonur» could not be exploited only by Kazakhstan, because of a number of auxiliary services placed in the territories of other former republics of the USSR. Also many types of space production could be developed and be perfected only in cooperation of the firms, which became situated in the territories of the miscellaneous States. It concerns, for example, the launch-vehicle «Zenit».

The first attempt of the solution of the above-mentioned problems became signing in December of 1991 in Minsk by the nine States the Agreement «About joint cooperation in the field of exploration and use of outer space». The given agreement was not signed by Ukraine.

Next step toward creation of a common legal base in the field of exploration and use of outer space was signing in May of 1992 the agreement «On the order of the contents and usage of objects of a space infrastructure in interest of fulfillment of space programs». By this Agreement Intergovernmental Space Council (hereinafter called ISC) was established. The main responsibility of this Council is to perform a

coordination of cooperation in the field of exploration and use of outer space for fulfillment of the intergovernmental and independent programs of exploration and use of outer space.

It is necessary to mark, that for years, elapsed from the moment of signing of the Agreement, ISC did not become that coordination center, which its authors intended to build. This is by the way characteristic and for many another structures built within the framework of the CIS.

In November of 1995 the legal base of regulation of space cooperation of the States-participants of the CIS has filled up with the Agreement «On creation of joint scientific-technological space of the States-participants of the CIS».

In spite of the fact that the provisions of the mentioned agreements at the present have not received proper implementation in practice, from the technical point of view it is important, that in the territories of the former USSR is built a legal field, in frame of which one the effective intergovernmental space cooperation can be performed.

Legal base of the CIS which can be used in the field of resolution of conflicts, related to space activities

The norms regulating issues related to space disputes, were fixed already in the early intergovernmental agreements of the CIS. So, in the article 5 of the above mentioned Agreement «On the order of the contents and usage of objects of a space infrastructure in interest of fulfillment of the space programs» of 1992 was established, that the indemnification bound with violations of normal operation of objects and facilities of a space infrastructure and fulfillment of the space programs, must be made by the party in fault of damage to the affected party in the sizes established by special commission, created on the multilateral basis by the States-participants of the present Agreement under aegis of ISC, and in accordance with the provisions of the Liability Convention of 1972.

Apart from the legal documents related to only space field, for the present research must be observed the agreements of the CIS related to resolving of commercial disputes.

To corner stone in the legal regime of the resolution of space disputes it is possible to relate the Agreement «On the order of the resolution of disputes, bound with realization of economic activities» from 1992. The present agreement regulates problems of the resolution of disputes flowing out from contractual and other civil-law relations between the commercial entities, from their relations with state and other organs, and also fulfillment of the decisions on them (art. 1).

The state-participants of the CIS mutually recognize and enforce a judgments of competent courts. The decisions, made by competent courts of one state-participant of the CIS, must be enforced in territories of another state-participants of the CIS (art. 7).

The same Agreement (art. 11) determines rules of application of civil procedure law of one state-participant of the CIS in the territory of other state-participant of the CIS.

Among the relevant documents of the same series – the intergovernmental agreement of the CIS from 1998 «About the order of mutual fulfillment of the decisions of arbitration, economic and economical courts». The given agreement determines the order of mutual fulfillment of the decisions entering in force of arbitration, economic and economical courts of the contracting Parties on cases, related to economical disputes, subordinated to them.

In legal regulation of joint space activities of the states-participants of the CIS the references to the norms of an international space law are widely used. For

example, the compound mode of sharing of a space complex «Baikonur» are constructed on the indicated norms. So, in the Agreement «On main principles and conditions of use of space complex «Baikonur» of 1994 the primary features of the mechanism of the liability during performing of, or in connection with space activity are determined. In particular, is established, that the parties in these cases will be guided by the norms of the Liability Convention.

There are also other documents of the CIS, which one in a complex give the basis to determine, that the legal base for the resolution of space conflicts arising between the different subjects (the states, private entities, etc.) within the framework of the CIS is designed quite satisfactorily. Briefly we shall analyze practice of application of legal mechanisms of the CIS during the resolution of space disputes.

Practice of application of the legislation about the resolution of disputes related to space activities, the party/ies of which are the subjects from the CIS

The most widespread practice of the resolution of space disputes within the framework of the CIS is based on usage of a method of negotiations, approaching of stands and acceptance of the compromise solutions. In connection with relatively close political positions of the states, presence of strong connections between their space industries, the governments are interested to resolve conflicts, avoiding an worsening of situations and transferring of dispute to courts. As the Russian lawyers mark in this connection «... for disputes on space activity, where the legal regulation yet has not achieved a high degree of development, the negotiations play a rather useful role»[4]. On it by the way orients also international agreements of countries of the CIS among themselves and with another countries.

For example, in the Agreement between the Government of Ukraine and the Government of the United States of America «About protection of technologies, bound with launching by Ukraine of the commercial space vehicles, licensed in USA» from 1998 in the article 8 is established, that «any dispute between the Parties concerning application or explanation of the present Agreement will be resolved by consultations through diplomatic channels».

And in the Agreement between the Government of Ukraine and the Government of the Russian Federation «About cooperation in the field of peaceful exploration and use of outer space» of 1996 is indicated, that «disputes concerning explanation and the applications of positions of the given Agreement are subject to the resolution by negotiations at a level of the special representatives of the Parties» (art.14).

It is possible to cite many examples of the successful resolution of space-related conflicts by way of negotiations. For instance, the dispute between Russia and Kazakhstan about indemnification of damage caused by dropping to the territory of Kazakhstan of the Russian launcher operating ecologically dangerous fuel heptyl, was resolved by multi-stage negotiations between the specially created commissions, exchange of government delegations of these states, mutual concessions and compromises.

Any conflict situation is better to prevent, than to go trough usually complex process of conflict resolution. According to our opinion, the effective mechanism of prevention of possible disputes is the practice of a provisioning in the commercial agreements (contracts) in a case any possible unfavorable consequences of suspected cooperation. So, in connection with necessity of a launching of satellites of a system «Globalstar» by launch-vehicles of Ukraine from a space complex «Baikonur», Ukraine

has undertaken the responsibilities of the launching state. From the legal point of view agreements with Kazakhstan, and also with the customer of launch – the company «Globalstar» were formulated in such way, that after the launch-vehicle «Zenith» has crashed, the Ukrainian party has satisfied with the claim of the claimants without any disputes.

According to our opinion, very much prominent aspect of the resolution of conflicts in the field of space activities is the definition in the contractual order of procedures of consideration of possible disputes. At first, it is important to determine, the legislations of which countries and in what arbitration authorities the dispute is subject to consideration.

As the prevailing form of international cooperation in space is two, three or/and multilateral activity on the basis of the corresponding international treaties[5], when concluding international treaties, the same as commercial space contracts, the parties establish procedures of settlement of disputes according to their specific needs. This allows to avoid the collisions during application of enough discordant norms of national and international regulation on space-related conflicts resolution.

So, according to the Law of Ukraine «About space activity», disputes, which arise during international cooperation of the entities of Ukraine in space, are subject to consideration in courts of Ukraine, if otherwise not determined by the international treaties of Ukraine (article 19). From this rule follows, that in case of absence of a special disclaimer in the international treaty or commercial contract, the disputes should be resolved in courts of Ukraine. However, in no one of the international space projects with participation of Ukrainian entities, known for the authors of this paper, the parties have disagreed in case of appearing dispute to address in the Ukrainian courts.

As a whole predominant practice in contractual relations of the entities from the CIS is the refusal of foreign partners from determination of courts of the states of the former USSR as authorities on consideration of disputes related to space activities. Usually some arguments of such stand are excreted by the foreign partners of space entities from the CIS:

at first, instability of the legislation and market relations in the states with transient economics and connected with it uncertainty for the parties of the commercial agreement or participants of business relations;

secondly, the consideration of the property claims in courts of this group of the states can be delayed on undefined period of time and return by large financial losses. For attention, in Ukraine the State Tax levied from the writs of property nature, makes 5% from the amount of writ and plus a legal cost (cost of arbitration in arbitration courts of Ukraine also on the average makes 4-5 % from the amount of writ, a bit expensive is the cost of the arbitration in a court of arbitration, in particular, in International commercial arbitration of Chamber of commerce and industry of Ukraine);

thirdly, the objective decree of arbitration or court of arbitration is fairly from being guaranteed. By virtue of lack of experience in consideration of the modern commercial claims, the Ukrainian judges quite often bear the solutions on the basis of formal construction of statutes, but not on a basis of an objective and comprehensive estimation of the rights and obligations of the parties concerned[6].

With such arguments of the Ukrainian-American team of experts it is possible to agree only partly. Really, the instability of the legislation can not be the attractive factor for the external economic partners of the Ukrainian entities. However, if to compare the cost of a legal cost in western

courts and courts of countries of the CIS, rather to evaluate the cost of services of the attorneys, translators, State Taxes, cost of expertise, proceeding etc., the picture will be far from being for the benefit of western arbitration authorities, where the corresponding sums much higher.

As to objectivity and competence of the judges from the countries of the CIS comparatively with those in the western states, hardly such statement of a question is correct; the national legal systems of countries of the CIS have the effective mechanisms of securing an objectivity of legal proceedings of different categories. And the reference to formality of the judges from countries of the CIS hardly can serve sufficient argument for disbelieving to a system of the resolution of space-related conflicts in these countries.

We believe, that the reasons of determination of non-CIS courts for consideration of space-related disputes, lays in another spheres. First of all, on our view, it is connected to more high level of «agreement-making» culture in western countries, deep experience of the western lawyers in this field, and on the contrary, lack of such experience in countries of the CIS. Also in this connections needles to note that until recent times entities from the CIS paid quite pour attention to the importance and benefits of definition of the jurisdiction of consideration of disputes.

The experience of participation in the commercial space projects of the entities from the CIS witnesses that in such contracts widely used a practice of mutual waiving of the property claims and to sue for compensation for probable damage. This practice of mutual waiving of claims is inserted by way of making a proviso in the contracts in the frame of jointly performing programs[7].

The practice of cross waiving of the property liability is fixed also in a number of the international agreements in the field of space cooperation. So, in the Agreement between Ukraine and the United States of America «About cooperation in exploration and use of outer space in peaceful purposes» from 1994 (article VII) the full cross waiving of the liability between executive bodies and bound with them entities (i.e. contractors, subcontractors, etc.) is established. The liability concerning the claims of the third parties can be determined by the Liability convention of 1972.

Proposing of paths of perfecting of mechanisms of the resolution of conflicts related to space activities

According to our opinion, for perfecting the mechanism of the resolution of possible conflicts between the states-participants of the CIS and third countries, the prime value has acceleration of process of signing the International Convention on the Settlement of Disputes Related to Space Activities.

Also the international law-maker should take into account already existing experience of the resolving of the corresponding problems at a regional level, including the level of the CIS. In this region rather effective legal base for resolution of space-related conflicts is accumulated. However, mechanisms of realization of existing legal norms are ineffective.

The increase of their efficiency can be implemented on two directions. First – determination of reserves of existing legal institutes and ways how they can be used for resolution of space-related conflicts. And second – usage of a method of analogies for finding out of a positive experience of resolution of conflicts in other spheres of human's activity.

We shall analyze from this point of view some judicial institutes which are operational in the CIS.

a) Economical Court of the CIS

The economical Court of the CIS was established according to the Agreement «On the status of Economical Court of CIS» from 1992.

In a Statute of Economical Court of the CIS (hereinafter called the EC) is established, that it formed with the purposes of maintenance of unified application of the agreements of the state-participants of the CIS and founded on these agreements the economical obligations and agreements by way of resolution of disputes which is flowing out from economical affairs.

For the term since February, 1994 (actual beginning of activity of the EC) till January, 2001 the EC has examined 47 cases. Among them 36 cases about explanation of application of the intergovernmental agreements, decisions of the Council of Chiefs of States and Governments, another acts of the Commonwealth, 2 labor disputes and 7 cases about improper fulfillment by the states of theirs economical obligations[8].

Unfortunately, the EC have not been used yet for resolution of space-related conflicts. Having a considerable potential, this institute can be qualified as «judicial» body only relatively, as its competence is limited to consideration only of intergovernmental disputes of economical nature, and its solutions for the States have a character of recommendation and have no effective mechanisms for enforcement.

These circumstances do not allow to the full to use potentials of the EC as independent court of justice for consideration of space disputes.

In connection with this it would be considerable to define ways of reforming of structure and responsibilities of the EC. And this process already began. So, in the Report of the EC from the year 2000 is noted, that «by one of major organization-legal problems, connected with further development of activity of the EC, is overcoming of its strictly specialized jurisdiction, limitation of a circle of the subjects, competent to address in the EC, and absence of institution of obligatory enforcement of the EC's judgements»[9].

Certainly, efficiency of the EC's judgements would much more be increased, if they would have mandatory, instead of recommendational nature. On our view, in case of violation by the state of a judgement it is necessary to grant the EC the right to bear the given problem on consideration of the Councils of Chiefs of States and Governments, another acts of the Commonwealth. We suppose that it would be expedient to determine a feasibility to use sanctions against such states, and such a sanction can be defined by the Councils of Chiefs of States and Governments, another acts of the Commonwealth.

The judgements of the EC concerning other parties of dispute should be enforced in the order, established for enforcement of the judgements of national courts[10]. The successful implementation of reforms in the indicated direction will allow to use mechanisms already existed structure for effective resolution of conflicts, related to space activities.

b) Intergovernmental Permanent Commission of the CIS on Resolution of Conflicts, Related to Space Activities (the Commission)

We would like to propose the general philosophy, structure and purposes of such a Commission as one of the possible organizational forms of the resolution of intergovernmental, and also commercial space disputes, in which different subjects are involved. In case of its establishment the Commission should act in accordance with a Statute adopted by States-participants of the CIS. It is offered, that at the resolution of investment disputes the Commission should

execute a role of arbitration body established on the UNICTRAL Arbitration rules.

The disputes passes for consideration of the Commission, should be resolved according to the norms of the general international law, international space law, agreements of the States-participants of the CIS, and also according to space, civil, economic, and other laws of a country, defined by the mutual agreement of parties. In case of absence of such an agreement, the law of a country on which territory a Commission's decision will be made, must be applied.

The initiative of application to the Commission, on our view, can belong to one of the parties, in case if evidence of agreement of another party is presented (special written agreement or presence of an arbitration agreement in a contract) or if evidence of a presence of a dispute between parties is presented.

The judgement of the Commission should be final and not to be subject to appeal. Being agreed on arbitration proceeding in the Commission, the parties have to enforce its judgement without delay, being obliged to refuse the right on any form of the appeal or appeal in the corresponding court of the general jurisdiction.

The disputes will be examined on a location of the Commission or, at its discretion, in another place, which the Commission define after consideration of a conditions of case.

The judgements should be enforced by the parties voluntarily, in time, indicated in the judgement of the Commission. If the time of enforcement is not indicated in the judgement, it have to be enforced immediately.

The commission should conduct of monitoring of the legislation of the states-participants of the CIS, international law, national legislation of the states executing space activity. Besides the employees of the Commission should permanently keep track of practice of foreign courts examining disputes in connection with space activity. We think, that the presence of the members of the Commission can be desirable during consideration in a foreign court of space dispute, in which entity from the CIS acts. Also on mutual agreement the Commission and a foreign court can conduct joint sessions, examining cases where parties are from the CIS and another countries. The Commission can be authorized with the right to represent interests of that State-participant of the CIS, which is a party in intergovernmental dispute, related to space activities.

We believe, that today the preconditions for creation of such a body as Commission are already existed. In advocating our position we would like to point to the following facts. At first, today a wide reforms of the judiciary in the States-participant of the CIS are executed, one of the purposes of that reforms is the strengthening of value and specific weight of specialized judicial structures. And, secondly, processes of strengthening of connections between firms of a space industry of the States-participants of the CIS today is observed. The examples of this process - signing in the summer of 2000 the Memorandum between the Russian Federation and the Republic of Kazakhstan «About further development of cooperation on maintenance of operation of a complex «Baikonur» and the meeting of the Presidents of the Russian Federation and Ukraine in February, 2001, as a result of which one a number of the important documents contributing to strengthening and development of joint cooperation in the field of space activities was signed.

c) Courts of arbitration and role of mediation

Unfortunately, we have to note that in the States-participants of the CIS underestimation of a role of a system of the arbitration and mediation for the space-related conflicts resolution is presented.

According to the opinion of the American-Ukrainian group of the researches, today, when in Ukraine effective judicial mechanisms of conflicts resolution are almost absent, a solution can be «insertion into agreement between parties of a rule about the resolution of disputes by the structured negotiations with the help of the neutral third person, aimed on achievement of a solution mutually acceptable for the parties. Such practice last years has received large distribution in some countries, and in particular in the USA». The researches had noted, that in the USA the mediation finishes by success at 57-85% of cases[11]. The mediation can become the most promising method of the alternate resolution of disputes both in Ukraine, and in other countries of the CIS. The system of the arbitration does not interchange the judiciary, and acts in parallel with it.

The arbitration today becomes the widespread form of the resolution of conflicts in Russia. It successfully supplements practice of conciliation procedures (in the form friendly negotiations, mediating, etc.), which one is initiated directly by participants of the legal conflict. The need for the alternate resolution of disputes confirms also occurrence in separate regions of the Russian Federation of peculiar centers of assistance to settlement of disputes, which one directly participate in the resolution of conflicts or prepare the corresponding specialists[12].

Therefore, it is possible, that the arbitration can in the near future become quite good alternative to the judiciary of States-participants of the CIS. We believe, that the creation of such system will prompt the foreign partners of the entities from the CIS to resolve possible space-related conflicts in intermediary centers located under the jurisdiction of the States-participants of the CIS.

Final remarks

Undoubtedly, the process of establishment in the CIS of effective mechanisms of resolution of conflicts, related to space activities can not be performed outside of processes taking place in the World. We completely share the opinion of the professor Karl - Heinz Buckstiegel, that «with the growing use of space and with the increasing number of states and private enterprises active or at least interested in space activities of some kind, a situation has evolved where disputes on various aspects of space activities can no longer be left open, allowing each state and private enterprise to persist on its view and act accordingly»[13].

According to our opinion, the experience of establishment of regional mechanisms of space-related conflicts resolution can be used in drafting of world-wide convention. Today we are witnessing growing space integration between different countries. Apart from for a long time already successfully operational ESA, the space integration develops and within the framework of the CIS. It is a lot of discussions today we hear and around of idea of establishing of the Asian space agency[14]. Let's suspect, that all three indicated centers will create effective institutes for the resolution of space-related conflicts. Then it will be easier to discuss world-wide document, because it will be possible to use experience, and also at discussion of the convention there will be controversies not between separate in their concerns states, but between groups of the states, mutually interested in working out of a unified institution for space-related conflict resolution.

In the concluding we would like to remind, that in the report of the Third Conference of the United Nations on peaceful exploration and use of outer space, it is marked, that «the member States should consider the problem of development of effective mechanisms for settlement of disputes arising in connection with commercialization of space. These mechanisms should consider existing arbitration rules used in international practice for the resolution of disputes»[15].

NOTES:

[1] d'Angelo George V. Aerospace Business Law. - Westport, Quorum Books, 1994. - P. 10.

[2] Cheng B. Studies in International Space Law. - Oxford, Clarendon Press, 1997. - P. 665.

[3] Material of International Seminar «Problems Of Legal Support for Eurasian Economic Community» (March, 2001). Speech of N.K. Isingarin. Published in WWW: http://jurQA.hut.ru/all.docs/g/a/a0560u2j.htm 1

[4] International Marine, Air and Space Law: common and special/ Editors-in-Chief A. Movchan, E. Kamenetskaya. - Moscow, 1992. - P. 89.

[5] International legal problems of exploration and use of outer space. Editor-in-Chief V. Vereshetin. - Moscow, 1983. - P.55.

[6] I. Burger, M. Lewis,... Disputes of commercial disputes in Ukraine. The role of mediation. // «Legal practice», № 10 (68), 16 - May of 1998. - Kiev, Ukraine.

[7] G. Zhukov. Liability in space law // Materials of the International Conference «Commercial Challenges and Commercial Opportunities». - Moscow. - 1997. - P. 135.

[8] Report of the Economic Court of the CIS. // «Practice of arbitrage», № 05 (05) 2001.

[9] Report of the Economic Court of the CIS. // «Practice of arbitrage», № 05 (05) 2001.

[10] N. Shumskiy. Integration of the post-Soviet States: possibilities and prospects of development. // Belarussian Journal of International Law and International Affairs, № 3, 2000.

[11] I. Burger, M. Lewis,... Disputes of commercial disputes in Ukraine. The role of mediation. // «Legal practice», № 10 (68), 16 - May of 1998. - Kiev, Ukraine.

[12] Y. Nosyrev. Prospects of development of alternative settlement of disputes in the Russian Federation. // «Legislation», №10, 2000.

[13] Karl - Heinz Вцckstiegel. The Settlement of Disputes Regarding Space Activities After 30 Years of the Outer Space Treaty./ Outlook on Space Law Over the Next 30 Years. Essay Published for the 30th Anniversary of the Outer Space Treaty. Kluwer Law International. The Netherlands, 1997. - P.238.

[14] См.: Space Law Conference 2001: Legal Challenges and Commercial Opportunities for Asia. - Singapore, 2001.

[15] Development of International Cooperation// Report of the III UN Conference on Peaceful Exploration and Use of Outer Space. - New-York, 1999. - P.76-86.