



The changing face of international law: increased use of soft law tools?

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I. Soft Law and its Development

- 1. What is "soft law"?
 - informal, widely used, not a strict law concept
 - soft law should be:
 - adopted or passed in some form
 - no legal binding force - no legal responsibility
 - voluntarily accepted and followed
- 2. UN and the Development of soft law
 - UNGA
 - COPUOS
 - other international organization?

II. "Old Face": Main Sources of International Law

- "Old Face"(past and current face): Art. 38 of *Statute of International Court of Justice*, 1945
- Sources of International Law
 - International Treaty
 - International Custom
 - General Principles
 - Subsidiary Means(for the determination of rules of law):
 - Judicial Decisions
 - The Teachings[of the most highly qualified publicists of the various nations]
- ? How about the decisions of international organizations
 - UNGA Resolutions: even no subsidiary means

III. "Changing Face": Soft Law in Space Area

- "Changing Face" (current and future face) in space law
 - Five UN Space Treaties: 1967-1979, "Hard Law"/Law
 - Numerous Resolutions and Documents: "Soft Law"
- "soft law" in space area:
 - came before "hard law":
 - 1961 UN Res., 1963 UN Res.
 - first space treaty: 1967 Outer Space Treaty
 - came with "hard law"/law: never stop
 - came after "hard law"/law: 1980's - now
- Space Treaty Standstill: none after 1979

IV. Reasons and Current Situation

- 1. Great demand to space activities from states: increased frequency; dual use
- 2. No more draft of space treaty, no more concluding of space treaty: difficult
- 3. soft law forging consensus, can be a preparation for future space treaty/treaties: relatively easy
 - Mitigation of space debris
 - CoC
 - etc.

V. Conclusion

- 1. two-track method: treaty and "soft law"
- 2. Second best choice: more "soft law"; nonbinding
- 3. From "soft law" to "hard law"/law:
 - "half-way": disadvantages of "soft law"
 - best choice: based on soft law
 - Coc, PPWT,

- Questions and Comments?
 - Thank You!