Part Three: Evocation
Chapter 5

Proposal: The Multi-Door Courthouse for Outer Space

Two main issues have been discussed in detail in the first two Parts of this thesis. These are the evolution of mechanisms of international dispute settlement and the development of dispute settlement in international space law. The preceding Chapters drew the conclusion that the existing settlement structures available are inadequate for the present and future requirements of possible disputes relating to outer space activities. A case for a sectorialized space law dispute settlement mechanism was made. This was followed by an appraisal of the current ambient developments in comparable fields of international law. These comparable developments could serve as a model for a viable dispute settlement framework for disputes relating to outer space activities. This review demonstrated a clear movement away from formalistic procedures for procedure’s sake. In contemporary topical fields of international and transnational law, there is an unambiguous shift towards more result-driven, resolution-oriented and resource-efficient approaches to dispute settlement.

The international and transnational legal systems play an important role in the growth of the law. Two propositions are evident in this regard. The first is that any shifts in the development of the law are ultimately caused by the actors in the system themselves. Secondly, a coherent legal system is an embryonic organism nurtured though coordination and compromise amongst the actors in that system. The settlement of disputes amongst these actors thus results in rules that form the backbone on which international and transnational legal norms are framed.

Dispute settlement mechanisms thus constitute the device through which new rules of law are formed, mainly through the interpretation and revision of old rules. These mechanisms also need to ensure that any new rule of law is created such that its substance does not fragment the existing legal framework by diverging from its basic principles. Instead, it should advance the existing system in a manner that is compatible with relevant pressures and needs of