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
  - Numorous Resolutions and Documents: "Soft Law"

- "soft law" in space area:
  - came before "hard law":
    - 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!