The Intersections of General International Law and Space Law: Critical Approach to Article III of the Outer Space Treaty

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Article III of the Outer Space Treaty contains an important principle in which state parties shall consider international law, including the Charter of the United Nations while conducting space activities. This approach was based on the belief that space law, specifically the OST, was insufficient to address all potential issues in the space sector and that international law could provide a solution by filling the gaps. International law continues to play a crucial role in covering gaps in space law, also the intersection between both laws is clear. However, Article III must be criticized because it is so wide and contains no restrictions when applying international law, which was mainly made for Earth and not for space. The absence of such limitation can blur the uniqueness of outer space especially since not all international law principles can be applied in this area. This analysis explores the intersections between general international law and space law, further, it will critique Article III, offer suggestions for improvement, and examine whether international law has adequately addressed space governance challenges.

Keywords: *General international law, Space law, Article III of the outer space treaty, Intersection of International and Space Law.*

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Introduction

The Outer Space Treaty (OST) is a typical example of international law from the 20th century. It was the product of the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) in the General Assembly via a multilateral process. It aspires to universal membership, which until now it has largely achieved with 112 parties, including all space-faring nations (OST, supra note 2, art. IV). It binds all signatories to basic principles, and it

has been described as the "*Magna Carta*" and a "*Constitution*" for space activity. The Outer Space Treaty succeeds at what most framework agreements from the 20th century excel at doing: establishing broad principles and guidelines to guide future multilateral collaboration in the space sector. What it doesn't do is provide more detailed regulatory guidance, and that typically is the function of successive protocols to those framework conventions (Popova, 2019, 90). In light of this, article III of the OST deserves to be analyzed, and why not criticize it? It is worth mentioning that the need for this evaluation arises because of its vital linking role between international law and space law; however, the general wording and indefinable limits of this article turn it into a hardly applicable tool for Earth-based laws to outer space.

Precisely, Article III stipulates that "*States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the moon and other celestial bodies, in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding*." For a deeper understanding, let us first start with the historical background; Before the OST was signed, many scholars continued to voice and argue that there was just no place for public international law concerning extraterrestrial activities for the longest time. (Schick, 1944; Mankiewicz, 1964).

During the negotiations, which were ultimately crowned by the OST, for instance, the French delegate, Mr Lemaitre, and the representative of Brazil, Mr. de Carvalho Silos, apparently considered international law and the United Nations Charter as anachronisms for the space sector. (See particularly Mr. Lemaitre A/AC.105/C.2/SR.70, p. 14, and Mr. de Carvalho Silos A/C.1/SR.1492, p. 15.) Nevertheless, the various principles and rules intrinsic to general international law apply automatically "*ipso iure*" to outer space; therefore, there is no need to indicate it by the OST (Popova, 2019, 90).

What is more noticeable within Article III is the usage of its obligatory terminologies; The term "*shall*" in legal context means strongly binding or imperatively, which means that state parties are obliged to follow what is required of them by the said article legally. That is stronger than terms like "may" or "should," which are advisory or suggestive (Cocca 1981, 13-20). This, therefore, serves to confirm that compliance with international law as it connects to the conduct of outer space activities is a binding obligation on the concerned states and not an option.

The motivation behind the article mentioned above is rooted in the fact that OST is not enough to cover all the issues that humanity might face in space activities. This is partly because the treaty was drafted at a time when technological advancements limited the ability to foresee many space scenarios (Lau et al., 2018). In other words, the OST lays down the basic principles as well as basic guidelines for space law. Logically, it should follow that other international laws must fill in the details and complement these principles where the OST has left out. We shall also discuss two other reasons, where there is a lack of specific regulation either in space law or a consensus on how to conduct a certain space activity, other branches of international law fill the gaps (Cepelka & Gilmour 1970, 30-49). By these, outer space activities are ensured of conformation to internationally accepted norms and principles. Other applicable international law that supports the principles and is inextricably linked to the OST should not be overlooked in carrying out the application and interpretation of the OST, which may lead to incomplete and/or inaccurate understandings of the space law.

This paper adopts a comparative approach across various sections of general international law to show not only their interactions with space law but also their disconnections. Along with

the qualitative methodology to analyze and evaluate these legal texts, in order to highlight the shortcomings of Article III. It will be primarily divided into two major parts in order to analyze and further criticize Article III of the OST. The first part will focus on the intersections between general international law and international space law, with particular attention to the principles of the UN charter, public international law, international customary law, and diplomacy **(I).** Later, the emphasis will be on the critical approach to Article III of the Outer Space Treaty, which aims to show that not all areas of international law can be cohesive with the principles of space law while also considering the principles of peaceful use, non-appropriation, and common heritage **(II)**. This study extends further than analysis and criticism and gives recommendations, continuing the broader discussion of it. It will finally and thoroughly answer the most paramount question of whether international law proved insufficient in covering all interests and issues concerning space activities. This will be elaborated on in the final sections to have a full view of this issue.

I. The Intersections between General International Law (GIL) and International Space Law

The commonalities between these two legal systems are numerous, with the principles of the UN Charter playing a significant role in shaping the foundation of space law. As an emerging branch of public international law, space law must necessarily interact with other branches within the broader international legal framework.

1. The intersection with the UN Charter Principles

1.1 Res Nellies and Common Heritage

To gain a clear understanding of this concept and how it can be related to the space realm, it is important to give an idea about its historical origins. International law took the concept of res communis from Roman law and applied it to different areas of Earth. Traditionally, this applies to unowned resources or territories that are available for appropriation. However, this principle has limited application in space law. Since outer space and celestial bodies are subject to *ajus humanitatis*, they are also considered a *res communis humanitatis*. The Latin term "*humanitatis*" is ambivalent and as already stated means of and for. We are accordingly dealing with things in the legal sense of the word-belonging to and for humanity (Cocca 1981, 13-20). It is, however, necessary to add the most important provision contained in the Outer Space Treaty, Article II: "*Outer Space, including the moon and other celestial bodies, is not subject to national appropriation by claims of sovereignty, by means of use or occupation, or by any other means.*" Thus, if no national occupation on the part of States is possible, it is something common to all Humankind, considered as a whole. Moreover, they are open for peaceful use and exploration by all countries as reinforced further by (Treaty, 1967).

Additionally, the principle of the common heritage of mankind further ensures that outer space is not to be exploited as a resource by any one nation or entity; This principle sets space as part of the global commons, purposed to be utilized towards the benefit of humanity, which completely disallows any single party from claiming ownership or having exclusive rights over the resources of outer space. This was first articulated in the 1979 Moon Agreement, most specifically in Article XI, which states: "*The Moon and its natural resources are the common heritage of mankind, which means that their exploration and use shall be carried out for the benefit of all peoples, irrespective of the degree of economic or scientific development of the*

nations involved." Even though this has only been ratified by a few states, the underlying idea of the common heritage of mankind has played an influential role in the space law discourse. This notion has spread much further than into the Moon and vastly influences the manner in which we approach the idea of space resource exploitation. It promotes the notion that space and its resources belong to all of humanity and not just individual nations. This challenges common concepts of national control and adds shared responsibility and fair access as a basic layer in multi-space policies. It has implications for emerging discussions about how space activities may be regulated in the future and how resources in space may be used (Cocca 1981, 13-20). In light of this, the above-mentioned principle borrows from broader principles of General International Law aimed at managing global commons like the high seas, atmosphere, and Antarctica in order to ensure that their use serves the collective interest of humanity as a whole.

1.2 The Peaceful Use of Outer Space and The Peaceful Dispute Resolution

It is clear that the fundamental principles of international law, some of which are preserved in Article 33 of the UN Charter, have a strong connection to space law and, in particular, to the OST. This underlines that space should be used for peaceful purposes, that there is a need for international cooperation, and the willingness to settle international disputes through discussion and the process of justice. These sets of laws ensure international stability and cooperation even in this strange and intricate world of outer space. While Article I of the OST provides the basic principle that exploration and use of outer space, including the moon and other celestial bodies, shall be conducted for the benefit of all countries, irrespective of the stage of development, in the broader context it is international cooperation, as mentioned in the UN Charter itself, whereby outer space is to be used for peaceful purposes; Article I of the OST stipulates: *"The exploration and use of outer space, including the Moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind"* (Charter, 1945). This concept of peaceful exploration resembles Article 1 of the UN Charter in its aim to maintain world peace and security and promote cooperation in the peaceful settlement of international disputes. Article 33 of the UN Charter deals with the peaceful settlement of disputes and enumerates the various instruments that governments may employ to prevent war. The provision reads as follows: *"The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice"* (Charter, 1945). On this note, Article 33 says that disputes between nations should be settled through peaceful means and dialogue. From this principle, required under the UN Charter, naturally flows that disputes are to be resolved without force. The same principles are relevant to space law, especially as opportunities for conflict have grown with the increasing competition over access to space exploration, satellite usage, and resource extraction. The more states and private actors become involved in such activities, the more likely disputes over those activities are to arise. Space law, developing the principles enshrined in Article 33, could assist in taming these new challenges by facilitating a path toward regimes of peaceful cooperation, rules for resource sharing, and procedures for resolving disputes involving both states and private operators.

1.3 Non-Interference and Non-Discrimination

Other principles that deserve our attention when analyzing the several connections between international law and space law are the principles of non-interference and non-discrimination which represent cornerstones of international law and the emerging legal regime relating to outer space, each based on recognition of equal rights, and sovereignty, and access to states. These stand at the heart of the international order of things, precarious in any balance in the name of fairness, in a constantly changing frontier such as outer space, wherein technological developments carry within them the potential for wide imbalances in power. The Outer Space Treaty (OST) emphasizes these principles, much like key instruments of general international law, such as the UN Charter, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights (ICCPR). The principle of non-interference forbids one state from actions calculated to unjustly interfere in the internal affairs or sovereignty of another. This is reflected in Article 2(7) of the UN Charter, which provides that: *"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state..."* (UN Charter).

In the context of space law, this principle goes beyond territorial confines; in this respect, the Outer Space Treaty provides that no nation should monopolize space operations at the expense of another. According to Article I of the OST, every state may explore and use space freely, and no state is allowed to impede or otherwise interfere with the efforts of another state in the peaceful exploration of outer space. This, in fact, further helps solidify the perspective that space is part of the global commons like the high seas and shall not be susceptible to appropriation or interference from any single nation (Cocca 1981, 13-20). Moreover, the principle of non-interference also in practical form in Article IX of the OST, calls upon states to avoid those actions that may cause harmful contamination or adverse changes in the space environment, and oblige them to respect the activities of other spacefaring nations. This provision reflects the broader principle of state sovereignty and nonintervention to ensure that space activities do not harmfully affect other states. (Cocca 1981, 13-20).

2. The Intersections with The Public International Law branches (PIL)

2.1 International Environmental Law (IEL)

The international environmental law is also progressively relevant under the banner of sustainability and responsible use of outer space for peaceful purposes. Although the UN space treaties are quiet on what sustainability may mean, in actuality the principle of sustainability finds a sympathetic resonance with the predominant goals of the treaties when the latter are harnessed toward responsible behavior, the mitigation of risk, and the capability for long-term use of space. With increasing investment, the related environmental impacts, in particular space debris and contamination of celestial body environments, are receiving high attention. The principles and frameworks of IEL maintain great relevance in dealing with these issues, in particular in those cases when space law lacks support by binding enforcement mechanisms (López et al., 2024, 37-43).

Even though the word "sustainability" is not explicitly mentioned, in the UN space treaties, it would appear from their general tone that space sustainability is inherently concerned with long-term use. As a result, there are some basic clauses relating to sustainability and environmental preservation in the Outer Space Treaty. For example, Article IX of the OST imposes on States an obligation to avoid harmful contamination of space and celestial bodies. It stipulates: *"States Parties to the Treaty shall pursue studies of outer space, including the*

Moon and other celestial bodies, and conduct exploration of them so as to avoid their harmful contamination and also adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter." This article reflects, therefore, that the principle of environmental responsibility is central not only to space law but also to international environmental law. The OST does not use the language of sustainability; however, it imbues the vision that activities in outer space must be conducted without causing irreversible damage to space and Earth's environments.

1.2 International Criminal Law (ICL)

International Criminal Law holds an actor criminally responsible for acts committed on space missions further to the conventions of space law such as the Liability Convention. Since damages caused by the objects give rise to questions of liability, the legal consequences arising from the commission of crimes, in particular by and against astronauts on space missions, are far from being satisfactorily provided for under that convention.

It is in this respect that ICL principles are involved, creating liability based on serious crimes-causing activities such as piracy, terrorism, resource theft, and any other activities accompanied by wellful intention (López et al., 2024, 37-43). The following section expounds the gaps within the Liability Convention and examines the standby ICL as regards the serious crimes of outer space.

Limitation of Liability Convention in Cases of Crimes Accordingly, the 1972 Liability Convention becomes the only true legally binding instrument within the institutional framework of international space law as far as issues of liability against damage peculiar to space objects are concerned. However, it cannot be applied when it comes to criminal acts in outer space for two major reasons: the first is that Article II refers to the "*damage caused by space objects*" (Convention, 1972), 1972) and Article III refers to the "*fault-based Liability*" while other serious futuristic crimes in outer space can be done not only with a space object, and with an intention to do so, which make the ICL important as long as there's is no document regulating the liability of serious criminal actions in outer space.

1.3 International Humanitarian Law (IHL)

International humanitarian law, or the law of armed conflict, contains rules on the conduct of hostilities and provides for the protection of combatants and non-combatants, or civilians, from the dangers of war. To the extent that the armed conflict does spread to outer space, the rules of IHL would automatically apply since, by clear implication of Article III of the OST, activities carried out in outer space are required to be done in conformity with international law, including the UN Charter, of which IHL is part.

This means that the rules of IHL are binding universally, even for states that have not signed onto particular treaties, as those principles have evolved into customary international law. Essentially, what this means is that the underlying concepts, such as the protection of civilians, the protection against the safeguarding of non-military property, and the conduct in warfare, should also apply to outer space. The problem is that translating IHL to space will not be easy. Space activities involve highly sophisticated technologies, and many of the implements used in space can be said to be both military and civilian in nature, drawing legally ambiguous areas. Further, the special environment of space itself, in which an action in one area might affect very large areas, does raise some questions about the suitability of traditional laws for protection and accountability. This further underlines the need for more specific and

detailed directives with regard to how IHL can, in fact, be effectively applied in space and space combat.

3. Customary International Law

It refers to the norms and practices not taken in by conventions but adhered to by states just because there lies a sense of obligation under law. Such norms become binding as a result of consistent practice and *opinio juris*, which is to say – belief – that a particular behavior is called upon by law (Ocoa 2007, 119). While most of the basic principles of space law are taken from the treaties, the development of customary rules is a constant process, that changes the practices and behaviors of states.

Critics argue that space law has developed few of its own customary principles because many space activities have not yet been repeated consistently enough to establish norms. According to Article III of the Outer Space Treaty, which integrates border general international law, actions in space are subject to established international laws, including customary principles. A typical example is the principle of using outer space mainly for peaceful purposes, one of the cornerstones of international law (Vecchio, 2017, 491).

The remaining parts of the space law have either recently attained customary status or are still awaiting it. Also, the Karman line could become a standard for defining airspace and outer space. Finally, the possibility of private companies and persons appropriating and using space resources could become a customary rule with further practices (López et al., 2024, 37–43).

4. Diplomacy and Space Conflicts

While there are various ways through which international relations can be maintained, one effective way is diplomacy; it is also known as the "*Art of negotiation*" and the "*Art of tactics and communication*" in managing international relations. An international law method that proved its efficiency in the space sector when it comes to solving conflicts. In particular, a well-known application of diplomacy took place in 1978 when a Soviet satellite fell on Canadian territory. This indeed was considered to fall under the issues of the Liability Convention, but this was solved with diplomacy (Cohent, 1985). That is why, with its essential flexibility, diplomacy can still play a vital role in dynamic complex issues that may arise in space. In contrast with other rigid legal frameworks, i.e., the Liability Convention, which normally takes some time before adjusting to any changes either in technology or special circumstances, diplomacy opens the avenue for immediately offering solutions tailored to the situation. That is particularly valued in space, where unexpected incidents such as the collision of satellites, and debris-related issues, can overnight emerge and call for fast action in order to evade further complications or delays. These situations often have to be resolved in a very short time to prevent further deterioration or operational failure. In that case, could diplomacy serve as a primary tool for resolving future incidents in space, circumventing the complexities and limitations of formal legal mechanisms?

Thus, diplomacy in outer space as mentioned above, could be truly efficient in dealing with space conflicts in the future. We should not neglect the importance of creating more adaptable binding rules that go beyond the Liability Convention by using flexible and easier solutions.

II: A Critical Approach to Article III of the Outer Space Treaty

As we said before, it is essential to acknowledge the importance of GIL and all its intersections with, at least, space law in order to fill the gap. However, this does not mean that GIL is not far from receiving criticisms either. This is because Article III of the OST does not indicate limitations on International Law in the exploration of outer space. While international law can define, for example, what parts of international law bind space activities, Article III does no such thing. The basic prohibition is only that all activities are to be carried out "*in accordance with international law*." For instance, in overall terms, Article III provides that activities in space shall be carried out in conformity with international law, including the UN Charter, but it fails to explain what laws or principles are relevant and how they apply in outer space. That absence has given rise to differences between space law and international law, because the principles governing the two laws are different, as the nature of outer space is very unique. It would be impossible to have an adequate estimate without certain specific limitations or guidelines on how those international laws designed for terrestrial scenarios should be adapted to the peculiar environment of outer space.

1. Sovereignty VS National Appropriation

The idea of a nation serves as the foundation for international law (Wallace, 2002). Simultaneously, the notion of sovereignty, which represents the authority of the state as a lawful actor, serves as the foundation for the acknowledgment of a state (Locke, 1689). Eli Lauterpacht, meanwhile, claims that: *"…it is necessary to distinguish between the two principal meaning attributed to the word 'sovereignty'. It is used, in one sense, to describe the right of ownership which a State may have in any particular portion of territory. This may be called 'the legal sovereignty' …[t]his kind of sovereignty may be likened to the residual title of the owner of freehold land which is let out on a long lease. The word 'sovereignty' is, however, more commonly used, in its second meaning, to describe the jurisdiction and control which a State may exercise over territory, regardless of the question of where ultimate title to the territory may lie*" (Wilde, 2008). This leads to conclude that sovereignty is a layered concept that contains both the legal and the jurisdictional aspects, that are essential for a state to exercise its governance and control over its territory, which is practically not the case in the sphere of outer space. In international law, the idea of a state's exclusive sovereignty over its territory is essential (Gardiner, 1976). Since it is generally understood that interfering in the internal affairs of others is forbidden, the creation of a state is strongly connected to the ownership of its territory (Polter, 1976) and the jurisdiction and control that it may exercise over its territory, which is still impossible in outer space (Lau et al., 2018).

What about extending the state's sovereignty over its airspace, reaching the earth's orbits and the outer space area above its territory? Could we talk then about sovereignty in outer space? Scientifically, we can't talk about extending a state's sovereignty to reach space above its territory simply because the earth is not stable, and its rotation around the sun makes this sovereignty unconstant for the smallest conceivable fraction of time. Legally speaking, the concept of sovereignty does not apply in outer space, which brings under the spotlight the criticisms of the application of international law to the space sector; Article II of the OST clearly stipulates that: "*Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by*

any other means". Despite the different interpretations of "*non-appropriation"* it is generally understood to mean that the ownership, jurisdiction, and exercise of sovereignty by any state in outer space is forbidden. This principle ensures that outer space belongs to everyone and is free from claims, but it raises questions about how practically to make such a rule in a fast-changing environment of exploration and utilization of space.

2. Use of Force: Peaceful Uses VS Jus Ad Bellum

Article IV has been interpreted by different member states in different ways (Jasentuliyana, 1999). In order for the member nations to reach a consensus, the restriction itself must incorporate a compromise element (Markoff, 1976). Consequently, this has led to varied interpretations of the term "*peaceful*" highlighted in the OST (Morgan, 1994). The majority of developed countries have interpreted "*peaceful*" as not being entirely opposed to the banning of armed action. In essence, it indicates a "non-aggressive" rather than "non-military" (Bogomolov, 1992). As a result, military operations conducted for self-defense are permitted in outer space (Maogoto & Freeland, 2007–2008). This applies also to all non-aggressive military operations, just as they are under the laws governing airspace and the sea (Bourbonniere, 2005). If one interprets "*peaceful*" as prohibiting all armed action, then self-defense would not be considered legitimate. The use of nuclear weapons in space is the only area where they are prohibited. The United States Senate Committee on Foreign Relations has confirmed this interpretation (Markoff, 1976).

However, "*peaceful*" in developing countries refers to an absolute ban on military action (Cheng, 1998). The 1959 Antarctic Treaty's Article I, which stresses a complete ceasefire, uses the same phrase. Since Article I of the 1959 Antarctic Treaty is widely accepted, it implicitly forbids engaging in any armed action, even self-defense. It is obvious that no military action should be taken in this regard so as to serve the interests of all governments. The vagueness of Article IV has led to the potential military actions in space camouflaged as an act of self-defense, which is permitted by Article 51 of the UN Charter, which permits the use of force only in self-defense or in pursuance of a UN mandate. The application of this idea to space is complicated, especially in light of the advancements in anti-satellite and space-based weapons. It is intended for strategic military purposes: disrupting or destroying satellites. Satellites are becoming critical contributors in modern military operations for communications, navigation, and intelligence gathering. If an ASAT disables or destroys these satellites, adversaries would not be able to utilize them. Most troubling of all, however, is the developmental and deployable aspects of the ASATs, which raise concern for the arms race in space and its long-term implications for the security and stability of space assets (Adams, 2023). The use of force principle can be applied in an unclear manner even though the OST stresses peaceful use because it lacks specific and strong restrictions (Lau et al., 2018). With these risks in mind, it is increasingly important to reach a clearer understanding of how "*peaceful*" space operations should be clearly defined and enforced.

3. Common Heritage VS the Right of People to Self-Determination

While international law is very clear when it comes to various jurisdictions and ownership rights over the resources on Earth, whether found within national borders or in international waters, international law concerning space, particularly the OST and the Moon Agreement, treats the resources found in space as the "*common heritage of mankind*." The principle of "*common heritage*" forbids national appropriation of celestial bodies. The lack of any clarifying

direction makes property rights in space legally uncertain. The arguments on this basis have been that private firms and states could not invest fully in resource-extracting industries due to a lack of knowledge of ownership rights. When there is no specific regulation concerning ownership and management of resources, space mining will be retarded, which, in turn, will slow down investment and innovation in this industry (Lau et al., 2018).

III. Suggestions and Discussion

While the theoretical discussions on the application of international law to space activities are valuable, it is relevant to consider that international law does not always have a straightforward relevance or sufficiency for addressing the issues in the space sector. In that case, it could be preferable to add "*in accordance with international law when there is a lack of regulation*" to Article III to make it more practical to consider the unique characteristics of this dimension.

As this paper explains, international law and space law are based on distinct concepts, hence this lack of precision may cause dispute restrictions (Lau et al., 2018). It will need thorough analysis to understand and reconcile these differences, and perhaps the need to develop more specific regulations or supplemental agreements that explain how international laws apply to space activities. Other branches of PIL need to be adapted to the space's unique environment to be applied efficiently. This is due to the fact that the other areas of general international law are intended to be applied on Earth, not in space. Consequently, modifications are required; for instance, the lack of sovereignty rights in space precludes the complete application of IEL principles.

All things considered, no conventional law governed by Article 38 of the ICJ Statute has been approved or accepted in the field of space law more than 50 years after the last space treaty. This reality has prompted space lawyers, organizations, and researchers, in general, to examine the application of other PIL branches to outer space law through Article III OST in cases when a treaty's terms are ambiguous or there is disagreement about the best way to conduct a space activity (López et al., 2024, 37–43). Nonetheless, International Space Law is currently moving in a different path, guided by international non-legally binding instruments, except for the resuscitation of CIL in space law. This normative growth is represented in United Nations General Assembly declarations (UNGA), such as the Nuclear Principles Declaration, Benefit Sharing, Space Debris Mitigation Guidelines, and Guidelines for Long-Term Sustainability.

Did international law fail to cover all the aspects of space activities?

While the OST and other space law components provided a valuable base for conducting space activities. Thus, commercial-private space activities fall outside the scope of space treaties adopted in the 1960s and 1970s. Article VI of the OST requires states parties to the Treaty only *"international responsibility for national activities in outer space, including the Moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions outlined in the present Treaty."*

Nothing has been said about the essence, scope, boundaries, and requirements for private space activities. However, the same Article VI also prescribes that states shall authorize and continuously supervise non-governmental space operations, the proper control regimes for private space activities have to be established at the national level (Volynskaya, 2016). Accordingly, international law fails to answer the most important question posed by the

conditions of commercialization of space: how to provide a balance between the public and commercial interests?

On one side, there is the support and promotion of projects aiming for commercial gain, while on the other side, there is a commitment to strictly following the fundamental principles and standards of international space law. These principles include those related to the exploration and utilization of outer space for the benefit and the interest of all mankind, for peaceful purposes, based on equality and international cooperation, as well as the new principle of LTS.

At this point, we cannot deny the effectiveness that national space legislation can bring as a tool in the solution of the commercial aspects of the problem where the public law aspect should be treated as paramount on the supra-national level.

Conclusion

This paper examines and analyzes Article III of the Outer Space Treaty in relation to the points of intersection between general international law and space law, with particular emphasis on the principles of the UN Charter, public international law, and international customary law. It also deals with the need for a critical approach to Article III by underlining that international law cannot have all its aspects cohesive with space law principles on the use of force, the principle of non-appropriation, and the common heritage. The paper recommends the addition of "in accordance with international law when there is a lack of regulation" in Article III and the necessity for further detailed regulations or supplemental agreements to clarify the application of international laws concerning space activities. It also underlines the fact that international law fails to cover all aspects of space activities, as commercial-private space activities fall outside the scope of space treaties adopted in the 1960s and 1970s. At this point, we cannot deny the effectiveness that national space legislation can bring as a tool in the solution of the commercial aspects.

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