

Keynote Address by Professor Teresa Cheng
At the 2026 Colloquium on International Law
“Creating New Frontiers: Law, Commerce and Order in Outer
Space”

Deputy Commissioner Zhang,
Secretary for Justice Mr. Paul Lam,
Chairman of AAIL,
Secretary General of AALCO,
Distinguished guests, ladies and gentlemen,

May I first thank the organisers for inviting me to speak here. Speaking here feels like coming back home to my family.

May I also take this opportunity to congratulate AAIL for its 10th Anniversary with its establishment in 2016. And you may also wish to know that since 2017, the China-AALCO Exchange Research Training Programme has been conducted by AAIL here in Hong Kong, and I am delighted to see AALCO delegates coming to Hong Kong again from all over the world.

Apart from the papers that Tony mentioned that were published by AAIL, you may also wish to note that since 2024, under the guidance and initiative by Tony, AAIL has been holding a number of seminars here in Hong Kong on satellites, the development of space law, and also conducted the SpaceBiz Dialogues. It has drawn a lot of attention. In 2025, the first Asia Symposium of Air and Space Law was conducted in Bangkok jointly organized by the AAIL, Thammasat University and Wuhan University. The idea was to make this a regular event alternating between Hong Kong and Thailand and it is so exciting to see that this has in a way materialized in this, the 2026 AAIL Colloquium.

The topic of “Law, commerce and order in outer space” is indeed timely. The global space economy is growing rapidly at the scale of trillions of dollars. A reflection of the six Schumpeterian technological revolutions and growth waves informs us that we are about to witness the onset of

major breakthroughs in telecommunications manufacturing, resource exploitation, commercial space flight, and even the future of humankind.

In contrast with the unprecedented advancement of space technology, international space law development has remained static. There are five space law treaties and declarations and legal principles reached during the period from about the 1960s to the 1990s. Somehow, whilst technology advances at an unprecedented pace, the international legal instruments that should accompany such advancement have not.

These high-level principles need to evolve alongside science and technology and must condescend into particulars that could be applied for development. Critical questions that remain unanswered include property ownership, space debris mitigation and remediation liability and indeed conflict avoidance and resolution.

To promote investment and innovation, and to ensure a sustainable shared future for humankind, the global community must make a paradigm shift, and transit from the fragmented and self-centered frameworks to a multilateral, holistic and coherent, fair and consensus-based legal order for outer space.

The evolving Governance System for outer space

I am no expert in space law nor do I wish to pretend as one. However, let me humbly share some immature thoughts on the essentials of a sound governance system for outer space. There are two pivotal and foundational questions that must be considered. First, what kind of governance system or order should be established? Secondly, how does one effectively build and/or reform it?

I would venture to first stay on the ground and look at the vision of the Global Governance Initiative (“GGI”) proposed by China. The GGI, as it is called, features extensive consultation and joint contribution for shared benefit, with five core concepts: staying committed to sovereign equality, the international rule of law, genuine multilateralism, a people-centered

approach, and real results. It sets a blueprint to build a more just and equitable global governance system, forging a community with a shared future for humanity. The GGI has swiftly gained support from nearly 160 countries and international organizations, with over 60 countries joining the Group of Friends of Global Governance at the United Nations. The GGI sheds light on or even exemplifies the fundamentals for the global community engaged in setting the governance and order for outer space.

Without a doubt, such an order needs to be based on law and not dictated by players with the most advanced technological achievements. It is trite that the updated legal frameworks and robust risk-management strategies have to be reinforced. As Deputy Commissioner Zhang said just now, using good laws to build a good governance. The legal order must remain anchored in the treaties that have been entered into, and in particular, Articles I and III of the 1967 Outer Space Treaty, providing for peaceful use for all humanity, freedom of scientific investigation and adherence to the UN Charter.

To answer the second question of “how”, one may wish to embark upon the task by applying the Bandung Spirit originated at the 1955 Asian-African Conference. Two notions are noteworthy. *Peaceful co-existence and Seeking Common Ground While Reserving Differences*. The latter is essential for a domain that will be shared by contrasting superpowers and emerging spacefaring nations. The former may translate historical post-colonial diplomacy into the modern coordination of orbital resources rules for outer space. The process must practice multilateralism, harness mutual respect and be premised on trust.

State Responsibility & Liability, and Extraterrestrial Dispute Resolution

Under international space law, States bear ultimate international responsibility for national space activities whether carried out by governmental or non-governmental entities.

In the exploration and use of outer space, States shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space with due regard for the corresponding interests of other States.

Questions of attribution and liability of States, here down on the ground, as it were, are to be found in the Draft Articles on Responsibility of States for Internationally Wrongful Acts. The articles could form a basis to guide the legal principles for the wrongful acts in outer space. The activities in outer space will likely create conflicts which will inevitably involve States. The means of resolution that come to mind are usually that of an adjudicative process.

However, let me share a term with you, ADR. In astrophysics, we talk about ADR—Active Debris Removal—to clear physical hazards. In international law, we must talk about ADR—Alternative Dispute Resolution—to surpass and resolve legal and geopolitical hazards. It is vital to bear in mind the options of ADR for outer space disputes.

If you would allow me, may I note some inherent limitations of the adjudicative mechanisms for alleged wrongful acts in outer space at this particular point in time? First, in an uncharted domain like outer space, rules are still evolving. States are concerned about what the legal parameters should be. Leaving extraterrestrial disputes to adjudicators risks creating polarizing precedents and decisions which may inhibit technological advancement or enlarge power asymmetry. Sovereign States may not be able to fully participate in the formulation of the rules when they would be ultimately responsible.

The international community does not benefit from diverse or even conflicting decisions before the legal rules enshrined in the treaties and declarations are updated from the 1990s to the current era and, importantly, reflect the new challenges facing the States and the exposition of technological innovations. The dispute resolution mechanism needs to capture the consistent application of legal rules, predictability and fairness,

and hence an adaptable and evolutionary mechanism should be resorted to. This is where mediation emerges as one of the most suitable vehicles.

The International Organization for Mediation (IOMed) is the first inter-governmental international organization dedicated exclusively to promoting mediation. It is established based on the Convention on the Establishment of the IOMed. There are now 44 signatory states, 14 of which have ratified the Convention.

The IOMed fills an institutional gap in the international dispute resolution arena and provides mediation as a viable alternative to complement litigation and arbitration. It reflects the UN Charter which provides for mediation as one of the first forms of peaceful dispute resolution. The vision and mission of the IOMed is to promote mediation and revive the culture of dispute resolution from one of an adversarial and win-lose process to an amicable process creating a win-win solution that preserves relationships. The IOMed administers three types of cases, State-to-State disputes, international investment disputes and international commercial disputes. Our administration services have been engaged and there are success stories. Yet, due to the very nature of mediation, confidentiality must be observed. Therefore, I can only share with you one of the success stories with the expressed consent of the parties and the mediator. It is an international commercial matter involving charterparty disputes in the maritime industry between a Chinese company and a Singaporean company. Other cases are in the pipeline.

Through the other mission of IOMed, that of capacity building, we hope to create a global mediation ecosystem where disputants will cherish and enjoy the sustainable peace and fruitful outcomes of a mediated settlement agreement. In promoting mediation, we naturally also promote the Singapore Mediation Convention that provides a legal framework for enforcing the mediated settlement agreement should it not be complied with voluntarily. The absence of cases invoking the Singapore Convention manifests the very successful nature of mediation, voluntariness, which results in settlement agreements voluntarily complied with instead of having to pray in aid of judicial enforcement processes.

One of the great benefits of mediation is the parties' control, not just of the process but also of the outcome, thereby encapsulating the legal rules and risks attached and the interests of the parties involved. Mediation also reflects equality. It avoids power asymmetries. All mediated solutions are consensual and voluntary. States involved will be able to develop rules for specific situations through dialogue and mutual respect, which will in turn become a convention and ultimately the customary rules for the international community to follow and adopt.

IOMed can serve as a viable and effective forum for containing extraterrestrial friction. The IOMed Convention contemplates that a Special Panel of Mediators to be maintained as necessary. With the pool of experts gathered in this Colloquium the designation of mediators for such a panel will not be difficult.

Ladies and gentlemen, before I end, allow me to leave you with these thoughts. All States must exercise collective efforts through collaboration, mutual respect, open dialogue, genuine multilateralism, and a consensus-based approach to progressively develop the legal rules that will guide the formation of a governance structure and order for outer space. For disputes, the IOMed mediation framework can provide a dedicated forum for extraterrestrial disputes. While satellites, space shuttles or rockets bridge the physical gaps in outer space, mediation at IOMed bridges the rift between geopolitical friction and multilateral cooperation, and between commercial impasse and shared opportunities.

I wish the Colloquium every success and all of you an enjoyable day with insightful exchanges. Thank you very much!