

56th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Nandasiri Jasentuliyana Keynote Lecture on Space Law & 5th Young Scholars Session (1)

Author: Mr. Christopher Johnson
Space Generation Advisory Council (SGAC), United States

Ms. Sarah Moens
lawyer, Belgium

Ms. Aleksandra Puscinska
Space Generation Advisory Council (SGAC), Poland

Mr. Ademir Vrolijk
George Washington University, United States

Ms. Karina Wardak
Germany

Ms. Joyeeta Chatterjee
Institute of Air and Space Law, McGill University, Canada

Ms. Eirini Maria Sfantzikaki
The Netherlands

THE CONCEPTION AND TREATMENT OF INTERNATIONAL GOVERNMENTAL
ORGANIZATIONS IN THE PREPARATORY WORKS OF THE OUTER SPACE TREATY

Abstract

The rights and responsibilities of international governmental organizations under the existing body of international space law is principally addressed in Articles VI and XIII of the Outer Space Treaty. Article VI requires that responsibility for compliance with the Treaty be borne both by the international governmental organization (IGO) and by its constituent Member States who are also parties to the Outer Space Treaty. Article XIII further stipulates that practical questions related to the conduct of such IGOs shall be resolved by either that international organization, or by Member States of that IGO which are also parties to the Outer Space Treaty. This casual treatment of the rights and responsibilities of IGOs glosses over the complex legal differences between sovereign states and international governmental organizations, and was a result of the political context surrounding the drafting and negotiation of the Outer Space Treaty – a geopolitical era of bipolar “Cold War” tension vastly different from the current climate. However, these clauses are still applicable in today’s era of increased commercialized and cooperative space exploration, where IGOs such as the European Space Agency, the European Union, and similar organizations are playing greater roles in space activities. This paper will look at the preparatory works of the 1967 Treaty, which can be used to resolve ambiguities in the interpretation of the text, for a deeper understanding of the ways that the drafters conceived of the roles, rights, and responsibilities of international governmental organizations. The United Nations Office for Outer Space Affairs has recently made available many of the preparatory works of this important treaty to a wider audience for the first time, and the treatment of IGOs can be tracked as it evolves during the multi-year story of the drafting of the Outer Space Treaty. Insights gained regarding the attitudes and understandings of the negotiating States might aid in resolving lingering ambiguities and latent vagaries in the treatment and role that IGOs play in today’s and tomorrow’s approach to space. This research into the *travaux préparatoires* of the Outer Space Treaty is done as part of an ongoing project of the Space Generation Advisory Council’s new Space Law Project Group.