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FIFTY YEARS OF ESA: REGIME BUILDING AND EUROPEAN GOVERNANCE IN SPACE BY
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Abstract

Among the key rules enshrined in the ESA legal system are geographic return and the establishment of the right to vote based on the participation in an optional programme. In this paper I will aim to demonstrate that the rule in articles IV of Annex V to the ESA Convention and XI.6.a is a fairly distinctive expression of neo-liberal cooperation. Starting from the assumption that states try to find ways to cooperate in conditions of anarchy, the first point will be to assert that states remain the prime actors in the field of cooperation in space like in every other area. However, the ESA participating states have found in the last fifty years that it makes more sense to create an international regime which, on the basis of accepted sets of principles, norms, rules and decision-making procedures, modifies the freedom of states to act in the way they would normally do if they were not cooperating with each other. The regime put in place by the ESA Convention enables the state actors' expectations to converge in the area of cooperation in space in Europe (Krasner). The key elements of the regime are: principles like the geographical return; norms like the acceptable standards of behaviour, rights and obligations of states within the ESA system; and decision-making procedures that govern how decisions are made and how conflicts of interests are resolved. Acknowledging that it is more rational to cooperate, the ESA Participating states have thus attributed certain functions to ESA in order to overcome problems of inter-state collaboration and coordination. The principle of geographical return and one vote per country in each programme have established a regime that works for the mutual benefit of both smaller and bigger actors (ie, states and industry) and has contributed to overcoming obstacles for collective action. Given that states are unlikely to abandon the benefits of cooperation through successful regimes, I will attempt to address the regulatory framework of the EU and assess the similarities and differences between the two legal and political settings.