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THE IGA AND THE INTERNATIONAL SPACE STATION: A MODEL OF COOPERATION FOR
MARS ?

Abstract

The paper will analyze the Intergovernmental Agreement (IGA) and the International Space Station (ISS), as one of the most important form of cooperation related to space activities and space exploration since manned space flight. The IGA represents the first example on extensive-multilateral cooperation in a field mainly controlled by States for security reasons and defense. It has required a long process of study in order to analyze and understand all the technical and legal issues of such extensive partnership in the space field. Considering this, the paper will address the IGA as one of the possible model/way of cooperation for the next main step in human space flight, the planet Mars. As for the Moon for President John F. Kennedy and the ISS for President Ronald Reagan, former President Barack Obama set officially the goal to reach Mars with a first flyby in the years 2030s. But 20 years have passed since the signature of the agreement in 1998 (30 years considering the first agreement sets by President Reagan on 1988, without Russia/URRS), and the situation of space sector is drastically changed. While the IGA is an international agreement reserved to States and International Space Organizations, new private space actors, known as “New Space Economy”, have now reached the space field, such as Space X, Planetary Resources, Deep Space Industry and Virgin Galactic. There’s no doubt that a manned mission to Mars will require an international cooperation as well as the participation of private sector. From a legal perspective, the role of private space companies need to be taken into account in a context of future regulation not only from a domestic point of view (considering for example the private national regulation, such as US Space ACT or French space law, etc.), but also considering the participation of single private actors in an international mission previously reserved to cooperating States. For example, Airbus Defense and Space is developing with the ESA an external payload hosting platform, named Bartolomeo, which will be attached onboard the ISS on the European Laboratory Columbus, in order to respond to the needs of private entities. This paper will address these challenges, focusing on the IGA, which is of utmost importance, as a model of cooperation for the space exploration.