

56th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Settlement of Space-Related Disputes (2)

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DISPUTING WITH ESA

Abstract

Abstract for a paper to be presented in session E.7.2. Settlement of Space-Related Disputes

Disputing with ESA

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A legal dispute entails a disagreement or an argument about a legal situation. Disputes may and do arise in all relationships where partners may have diverging or contrasting interests. They do have a disruptive potential that actors tend to try to contain in interdependent and long-term relationships, in which the partners know they may very well be led to cooperate again in the future.

In its thirty years of existence, ESA has gathered its own experience with the anticipation, the avoidance and ultimately also the settlement of disputes.

This paper provides an overview of the different kinds of legal relationships that affect ESA or that ESA entertains and the different strategies that ESA has developed to deal with disputes that may arise therein. These relationships range from the

- • cooperation among the Member States that have created ESA;
- cooperation with the Member States or their institutions;
- cooperation with other international organisations and with governments and institutions of non-member States;
- contractual and pre-contractual relations with industry and
- employment relations with its staff.

For each of these different relationships, ESA has set-up via internal regulation or inter-party mechanisms tailored suitable solutions, which have evolved over the years to keep the disruptive potential of disputes under control and to allow the actors concerned to sort out legal arguments effectively, always in the perspective of legal security and keeping long-term cooperative relations workable and trustful. This paper reports on the mechanisms and procedures involved available to all those doing business with ESA.