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THE OTHER TRIANGLE IN EUROPEAN SPACE GOVERNANCE: THE EU, ESA AND THE UN

Abstract

In European space governance, the term 'governance triangle' usually refers to the cohabitation in space matters of the European Union, the European Space Agency and their respective member states. This article explores another, less well known and less clearly structured space governance triangle: that between the EU, ESA and the UN. Its specific focus is on their respective regulatory activities in guaranteeing the sustainability of space activities. Initiatives with this objective have been taken by each of the organisations mentioned. It is the aim of this paper to examine their coherence and complementarity. The historic forum for such coordination is COPUOS, with parallel activities taking place in UN bodies such as the Conference on Disarmament and UNIDIR. ESA, although limited to peaceful purposes by its convention, has been a historic partner in COPUOS deliberations with permanent observer status. ESA has furthermore declared its acceptance of three space treaties - the Astronaut Agreement, the Registration Convention and the Liability Convention. The EU from its side has permanent observer status in UN bodies, but has used that capacity sparingly in COPUOS, not entering the playing field until 2003 for a brief statement on the European Space Policy. With the on-going debate surrounding the future institutional arrangements between ESA and the EU and the EU's emerging actorship in space law matters (cfr. the EU-championed International Code of Conduct for Outer Space Activities), the question arises as to the future regulatory constellation for space activities between these three players.