

57th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
The ISS IGA: Lessons learned and looking to the future (3)

Author: Prof. José Monserrat-Filho
Brazilian Space Agency (AEB), Brazil, jose.monserrat.filho@gmail.com

GOVERNANCE WITH TRANSPARENCY AND CONFIDENCE IN THE SKY AS WELL ON EARTH

Abstract

The present paper examines the report of the United Nations' Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities, published in July 2013, as well as some other United Nations documents concerning the same issue. The report makes recommendations "that could be adopted voluntarily by States on a unilateral, bilateral, regional or multilateral basis." Each of these levels plays its specific important role in supporting the proposals of the report. But the most effective basis is, of course, the multilateral framework, as it is considered the "more likely to be adopted by the wider international community". The report itself stresses the "multilateral initiatives to strengthen stability and security in outer space in a constructive manner." Similarly, it recognized "the invaluable role played by the existing international treaties on outer space", especially the 1967 Outer Space Treaty, one of the international treaties with largest number of ratifications (102), and, therefore, a multilateral and comprehensive legal document of greater support, weight and prestige. This remark seems to be valid even for those countries that, in practice, resist accepting the supremacy of international law. At the same time, in order to face the outer space environment which is increasingly "congested, contested and competitive," international cooperation – particularly in building and strengthening measures of transparency and confidence – is nothing less than an urgent action to be promoted multilaterally with the active participation of as many players as possible: States, the main actors in the global arena, and also non-governmental entities of social, cultural and economic character, that increasingly represent the so-called public opinion in global scale. That is why transparency and confidence-building cannot dispense with a careful process of a competent and impartial global governance. The core of this paper essentially discusses the necessarily multilateral nature of the struggle for global space transparency and confidence.