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The ISS IGA: Lessons learned and looking to the future (3)

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A EUROPEAN PERSPECTIVE ON LESSONS LEARNED FROM THE INTERGOVERNMENTAL
AGREEMENT (IGA) ON INTERNATIONAL SPACE STATION (ISS) COOPERATION

Abstract

The partners in the ISS Cooperation programme had the right legal visions in developing a three-tier structure of legal arrangements, and primarily the IGA, to govern the activities related to that permanently-inhabited integrated facility in outer space built and exploited by several international partner governments. More than 25 years after its original conclusion, the IGA provides the appropriate legal and cooperation tool to enable the ISS Partners to benefit from a wealth of experience in its enhancement and use of cutting-edge technology, despite having occasionally been severely put to the test by extremely challenging circumstances.

The managerial and legal regimes for ISS Cooperation introduced through a number of IGA articles have provided the necessary flexibility in addressing and formalising additional arrangements for furthering different aspects of the cooperation. They also ensured such things as orderly decision-making at different levels in the partnership without a trace of dispute, the protection of intellectual property rights of all the stakeholders, the reorientation of certain research priorities, while easily accommodating inevitable major technical changes, especially in the use of transportation systems.

Each ISS Partner discharges its obligations, and benefits from its rights, under the available legal instruments governing ISS Cooperation through its own ISS programme which it funds and manages according to its own rules. ESA, as the Cooperating Agency of the eleven-state European Partner, put in place first the ISS development programme and subsequently the ISS exploitation programme for that purpose. A significant effort is required at organisation level to ensure continuity in ESA's ISS exploitation programme, through the periodic subscription of participating States' contributions in the programme financial envelope and the corresponding amendment of some of the applicable terms and conditions.

The legal experience from ISS can be taken as a landmark case of international space cooperation and a useful legal model for future multilateral cooperations.