

International Cooperation for Space Exploration (1)
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WHY IS INTERNATIONAL COOPERATION MANDATORY TO OUTER SPACE EXPLORATION ?

Abstract

As an introduction introduction, we will explain why international cooperation is usually seen as an option, non-binding for States. This idea results of the unilateral conduct of States on the international arena, outer space included. This common idea is false according to international space law.

This presentation/paper aims to demonstrate that States have a legal obligation to explore and use outer space in international cooperation or at least in international coordination. All spacefaring nations have signed and ratified the Outer Space Treaty, legal base for space exploration. According to its Article 1, the Treaty declares that outer space exploration "shall be carried out for the benefit and in the interest of all countries.". Then our presentation will expose what are the legal dangers of not exploring outer space in international cooperation : jurisdiction conflict while exploring celestial bodies, appropriation of outer space, enhancement of unilateralism, reinforcement of development and technological gap between countries, risk of pollution by not taking in account other countries interests, risk of outer space resources privatization, etc.

After this introduction, the presentation/paper will be divided in two parts. Firstly, we will explain why space exploration in international cooperation is mandatory according to international space law and general international law (Art I, III, . . . of the Outer Space Treaty). International cooperation only works in the limited field of scientific exploration of outer space. All the other outer space applications are mostly conducted unilaterally, for instance military use and exploration (American and Chinese experiments of secret space station or space ship, for instance). Even if this obligation lost itself from the adoption of the Outer Space Treaty, this presentation aims to demonstrate that it is still in force and why States have to fulfill this obligation.

Secondly, we will try to propose some legal tools and solutions in order to insure the application of cooperation principles (international responsibility for international wrongful acts, jurisdiction of the International Court of Justice ?, adoption of new international treaties in accordance with all state interests as the Chinese/Russian initiative).The paper will finish by presenting the perspectives offered by some States : treaties and cooperation initiatives, national law solutions, guidelines, etc. Those projects allows international community to think that international cooperation is not only an option or foolish dream : but a legal principle States tend to apply.