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THE INTERNATIONAL SPACE STATION AS AN EXAMPLE OF INTERNATIONAL COOPERATION

Abstract

Dr. Maria del Lujan Flores The exploration and use of outer space has had unprecedented success in the last sixty years, mainly due to international cooperation, particularly in the field of technology. International cooperation has been very important and has greatly increased since the creation of the United Nations. In this respect, in Chapter I, the Charter lists in articles 1 and 2 the Purposes and Principles that guide the Organization and its member States. The principle of cooperation is developed throughout the Charter in articles 55 and subsequent articles. As regards outer space, the principle acquires particular validity given the increased use for peaceful purposes, the complexity of the activities that take place, the increase in the participation of the private sector and the benefits that this use brings. In this sense, Article 1.3 of the Outer Space Treaty in relation to scientific research provides it as a general precept and reaffirms it in Article IX with reference to the exploration and use of space, the Moon and other celestial bodies. The principle of cooperation is developed in another series of provisions (Articles X, XI and XII), it is given concrete content regarding the observation, information, follow-up as a result of the activities. In particular, Article XII refers to accessibility to stations, facilities and space vehicles located in space on the basis of reciprocity. The International Space Station is an example of large scale international cooperation in outer space. Its peculiarity lies, among other reasons, because it is composed of both Member States and Cooperating Agencies, and how they do it, their contributions are proportionate to their technological and financial capacity, as well as because of the permanence it has had over time and the international character it has. This has led to it being classified as the most complex political and operational space exploration program ever undertaken. This enormous laboratory operates with the cooperation of fifteen countries and five space agencies. The ISS has been orbiting the Earth at an altitude of between 330 and 410 km at a speed of around 27.000 km per hour for twenty years and maintains a permanent crew. It is the most complex structure in Earth orbit built by humans with approximate dimensions of 110m x 100 m x 30 meters. In addition to the scientific, political and economic aspects, its legal framework represents a significant success. It represents a great step in the crystallization of legal norms referring to human presence in space. The elaboration of the Intergovernmental Cooperation Agreement and a series of instruments, Memoranda of Understanding, contracts and subcontracts, implementation agreements, constitute a true legal network that links a considerable group of space powers. These involved the implementation of the rules that govern outer space, framing activities that regulate the presence of humanity in the celestial bodies, the development of rules and principles contemplated in the space treaties that leave the door open for future human activities. It addresses issues such as jurisdiction, responsibility, intellectual property rights, among others. These are needed in order to provide answers to different legal questions when problems arise in an area where there is no territorial basis.

At the present time the regime established for the ISS has been useful and constitutes a possible model to be taken into account for other missions, as it develops in an innovative way the rules contained in space treaties and international law in general, achieving a coordination and adequate functioning among those who carry out a project that is the cornerstone of international space cooperation. Our proposal is

to study the ISS regime and see how the model adopted may serve to inspire other international regimes in outer space, it can be applicable to other activities and bring adequate legal solutions to actual problems.