

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
International cooperation on the way to the Moon and Mars (2)

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NEW TCBMS IN SPACE EXPLORATION: TOWARDS THE MOON, MARS AND BEYOND

Abstract

Today the space sector is again at the center of attention of world public opinion. In fact, the main space actors in the space field are fully engaged in several missions especially on celestial bodies that seem to push national interests on a race similar to the “first race” on the Moon of the last century. If we speak about international cooperation in space activities, the Intergovernmental Agreement (IGA) signed on 1998 for the International Space Station - ISS (the first one even signed in 1988 without URSS/Russia) has represented the first international agreement with a large participation of space actors (States and International Organization) in the field of space exploration (despite China was not included in that partnership, and decided to build its own space station, the Tiangong). Today more than ever, we need a stronger cooperation in the space sector in order to develop further confident building measures and to proceed toward sustainable space activities for the sake of future generations and the protection of the space environment. But we need to underline that actually these measures are not binding for the international space community, because some main actors are not interested in creating legal instruments that could limited their operations in space (such as for example space mining and planetary resources). Despite this, there are several instruments that can be taken into account as a base model for new TCBMs. The Code of Conduct of Astronauts and the project for the European Code of Conduct of space activities can provide the legal base for a new generation of TCBMs that should be discussed within the COPUOS and directly with the participation not only of States and International Organization, but also private space actors. Transparency in the use of space technology should be the first step to increase international cooperation. Several space missions use a level of technology considered science fiction only 20 years ago. We should not forget that the rocket technology derives directly from the ICBMs, and that some deep space missions use nuclear power sources as main energy for their systems. New TCBMs should be on the space agenda of every space actors.