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SPACE SUSTAINABILITY AS A COMMON CONCERN

Abstract

The 1992 United Nations Framework Convention on Climate Change recognised in its preamble that the adverse effects of climate change amount to a common concern of humankind without any further qualification (also the more recent 2015 Paris Agreement reiterated climate change as a common concern, then clarifying that responsibility lies upon all the States of the International Community); in the same direction goes the 1992 United Nations Convention on Biodiversity (CBD), when recognizing that the common concern is the engine for national regulations protecting bio-diversity, and the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. Far from being a legal notion, as opposite to the common interest of mankind and the Global commons theory, this concept is rather a political achievement, that should lead States to act by their own, and independently, in order to protect the involved interest/good. Therefore it can be used a foundation to define, legitimize and assess national measures (as well as regional supra-national rules) that address shared problems of the whole mankind, even justifying the extraterritorial scope of application of a give rule or duties to act in the international arena. The contribution will analyze the application of the above-mentioned doctrine to space activities, in the light of sustainability rules adopted both at the national and European level.