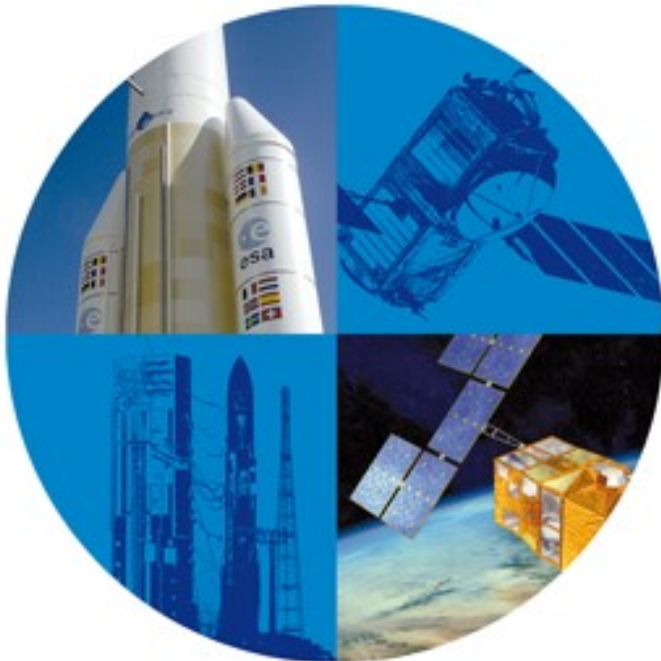


Fifth Symposium @ Center for Space Law Keio University

Panel discussion: International mechanisms for cooperation that will promote future space exploration



Julien MARIEZ
Head of Corporate Legal Department
CNES

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- ❑ Overview of existing legal instruments and agreements regarding the international cooperation in Outer Space exploration

- ❑ Legal issues that could be challenging for the future space exploration

Overview of existing legal instruments and agreements regarding the international cooperation in Outer Space exploration

International cooperation in the field of space exploration is at the heart of the genesis of the legal instruments governing outer space

- International cooperation in the space exploration is promoted by UN Space Treaties...
 - ◆ Outer Space Treaty 1967: Preamble, Art. 3, 9, 10, 11, 12
 - ◆ Moon Agreement 1979: Art. 4, 5, 6, 11(not entered into force...)

- ...and by UN Principles
 - ◆ International Cooperation in the Peaceful Uses of Outer Space (Resolution 1721A and B (XVI) of 20 December 1961)
 - ◆ Declaration on the International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interests of all States, taking into Particular Account the Needs of Developing Countries (General Assembly Resolution 51/122 of 13 December 1996)



Overview of existing legal instruments and agreements regarding the international cooperation in Outer Space exploration

International cooperation in the field of space exploration is not only theoretically mentioned by UN Treaties and Principles: it is a widely implemented practice of the governments and the space agencies, in different forms

- Multilateral intergovernmental cooperation on a common space exploration project: the ISS example: an ambitious legal framework for an ambitious projet
- An example of integrated cooperation at the continental scale: European cooperation through the European Space Agency (ESA)
 - ◆ Facultative programmes
 - ◆ Geographic return
- ◆ « Soft Law » international cooperation can also settle important matters: the example of COSPAR
 - » Planetary protection policy



Legal issues that could be challenging for the future space exploration

Appropriation of natural resources:

Impossibility of the appropriation of outer space

- ◆ Prohibition of any national appropriation of outer space
 - ◆ Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means (article 2 Outer Space Treaty 1967)
 - ◆ Private claims (« Big Cheese ») are not legally founded

Is it possible, legally speaking, to extract natural resources from celestial bodies and bring them back on Earth for exploitation?

- Debate between lawyers since the emergence of private projects
- No explicit provision in the current legal instruments dealing with the exploitation of natural resources of celestial bodies
- 2 theories:
 - ◆ Principle of non appropriation of celestial bodies is also applicable to their resources (see Moon Agreement)
 - ◆ Appropriation of resources ≠ appropriation of the celestial body as such