

The other triangle in European Space Governance: The EU, the UN, and ESA

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1. Introduction

Two classical topics of study:

- Institutional aspects of European space policy
- International relations of the European Union

Aim of this presentation: examine in which way and to what extent the internal European arrangements in space governance affect the EU's external actorship as a space power

2.1 European Space Governance (1)

- Art. 4(3) and 189 TFEU revisited
 - Shared competence
 - With a proviso
 - Open-ended mandate for evolution of the EU-ESA relationship
 - Shaky underpinnings for EU in IOs

2.2 European Space Governance (2)

- EU-ESA relations post-Lisbon
 - Art. 189 TFEU: “any appropriate relations”
 - COM (2012) 671: three options
 - Enhanced cooperation under status quo
 - ESA to become IO under EU framework (cf. EDA)
 - ESA as EU regulatory agency
 - Timeline: 2020-2025
- At the same time: 2004 Framework Agreement still in force

3. The EU in International Organisations

2 sets of rules matter

- Internal EU rules
- Rules proper to the IO
- Possible issues:
 - Co-representation -> over-representation?
 - In shared competence areas: duty of sincere cooperation: Art. 4(3) TEU

3.1 The EU in the United Nations

- EU primary law:
 - Art 21(1) TEU
 - Art 220 TFEU
- UN GA: EU status upgraded in 2011: ‘enhanced’ observer status
 - Right to circulate communications
 - Right to present proposals / amendments orally
 - Right of reply



3.2 The EU in COPUOS

- Main Committee
 - First appearance: 2003
 - Observer status since 2007
 - 2008: presentation on ESP + statement by France on behalf of EU & UN MS on Code of Conduct project
 - 2009: statement on CoC by Czech republic
 - 2010: statement by Spain on behalf of the EU
 - 2011: observer + right to address the meeting
 - Since 2012: co-representation by Member State and EU observer
- Legal Subcommittee:
 - 2010: some delegations would like to debate the CoC project
 - Since 2012: EU invited to attend meetings & address them, as necessary
- Meanwhile, 17 EU member states are members of COPUOS; ESA has been observer since 1975

4. The Code of Conduct process

- Response to 2006 GA resolutions on PAROS and TCBMs in space
- 2007: Portuguese presidency responds on 'code of conduct for outer space objects and activities'
- 2008: first 'Draft Code of Conduct for Outer Space Activities' adopted under French presidency
- 2010: revised draft CoC adopted in Council
- Jan. 2012: US refuses to sign
- Start of UNIDIR negotiation process
 - Consultations in Vienna in June 2012, on the basis of new draft 'International Code of Conduct for Outer Space Activities'
 - Open-ended consultations in Kiev in May 2013
 - Open-ended consultations in Bangkok in November 2013
- Why not COPUOS
 - No mandate?
 - Too slow
 - Consensus requirement

5. Conclusions / recommendations

1. EU-ESA: evolution beyond the Framework Agreement is needed
2. EU-UN/COPUOS: at this moment, triple representation: Member States, ESA, EU
 - At this moment unavoidable, but should evolve over time
3. If the EU wants to be a full-fledged space actor, it should adopt the obligations of the space treaties

Thank you for your attention!

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