The Evolution of European Space Governance: Policy, Legal and Institutional Implications

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1. Introduction

Gunther Verheugen, European Commission Vice President and Commissioner for Enterprise and Industry, to whose portfolio space has been transferred with the reshuffling of the Barroso Commission, identified space as an essential tool not only as an instrument to “manage the Union” but also as “one of the critical technologies for the implementation of several of its policies across Europe”.\textsuperscript{1} The essence of current space policy efforts is to create a continuum where “the main public demand for space solutions will be generated by key Union policies in fields such as transport, the environment and the Common Foreign and Security Policy (CFSP)”.\textsuperscript{2} Space is undeniably a strategic tool, and considered as such not only in

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\textstar The views and opinions expressed by the authors may in no way be construed as representing those of their respective organisations.

\textsuperscript{2) Ibid., pp. 93–94.}
Europe, but by all space-faring governments. The political nature of space is particularly highlighted in the programmes of the US,3 India or China.4 Iran’s first launch on 17 August 2008 followed by the placing in orbit of its first satellite on 2 February 20095 is testimony that space remains of great political importance. In fact, it is often overlooked that space technologies are but tools for the implementation of strategic policies,6 as vectors of innovation and as sources for knowledge and progress. In short, “space is a means to various ends, and not an end in itself”.7

In Europe, space must serve the policies of the European Union (“EU”)8 and thus give its institutions the means of playing an increasingly significant

3) Regarding the US space-dominance doctrine, see generally “U.S. National Space Policy”, available at <www.ostp.gov>, visited on 23 May 2007, whereby the US President authorized a new national space policy on 31 August 2006. This document establishes an overarching national policy that governs the conduct of U.S. space activities and states inter alia that “[t]he United States considers space capabilities – including the ground and space segments and supporting links – vital to its national interests. Consistent with this policy, the United States will: preserve its rights, capabilities, and freedom of action in space; dissuade or deter others from either impeding those rights or developing capabilities intended to do so; take those actions necessary to protect its space capabilities; respond to interference; and deny, if necessary, adversaries the use of space capabilities hostile to U.S. national interests”. This policy supersedes Presidential Decision Directive/NSC-49/NSTC-8, National Space Policy, and dated September 14, 1996. See also Alain Dupas, “A New U.S. Strategy: ‘Dual Space Dominance’?”, Space News, 29 March 2004.

4) More particularly, the space programmes of India and China are very ambitious and are integral elements of these governments’ overall geopolitical and economic strategies, which makes these space programmes very proactive. Regarding the Chinese space programme, see generally R. Handberg and Zhen Li, Chinese Space Policy: A Study in Domestic and International Politics (Routledge, 2007); see also Sibing He, “What Next for China in Space After Shenzhou?”, 19 Space Policy (2003) pp. 183–189; regarding the Indian space programme, see generally <www.isro.org>, visited on 24 January 2009.


6) In this sense, we can refer to applications programmes, such as launchers (Ariane), earth observation and remote sensing (GMES), navigation (Galileo) and satellite communications. These programmes are means to achieve other policy objectives in e.g. security, sustainable development, crisis management, education, health, climate change, independent access to space, etc.


8) This contribution will generally refer to the “EU” whereas mention will be made to the European Community, or “EC”, when consideration is given to “first pillar” activities only.