Whose Commons is it Anyway? Environmental Authority and the Development of Space Law

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Project Description:

This call is looking for research students interested in advancing critical scholarship of international space law, particularly grounded in a legal geography approach – with focuses on post-colonial, feminist, queer, Global South-based approaches and/or other critical theoretical approaches very welcome.

Outer Space is part of the global commons, similar to the High Seas and Antarctica. It is subject to internationalized governance and a multilateral treaty regime. However, while sometimes framed as an anti-colonial framework, largely due to the non-appropriation principle codified in Article II of the Outer Space Treaty, it can also be described as a Great Power compact embroiled in conflicts that are related to geopolitical power and influence.

Concepts such as Environmental Authority, currently used in geography but with potential for governance theory, can clarify these aspects. Environmental Authority as a concept was developed by Klaus Dodd (2012) and Adrian Howkins (2021) to describe the use of scientific research in the Antarctic to legitimize the Antarctic governance regime. However, it can be applied to other areas of internationalized governance, such as Climate Change (Howkins 2021, pg 210), and outer space (Cheney and Marino 2022, in press). Environmental Authority refers to the use of hegemonic environmental knowledge in order to limit 'stakeholdership' to the state sponsors of that knowledge production. In environments like Antarctica and Outer Space this restriction of 'stakeholdership' limits the kinds of states which can participate in the governance as the cost of conducting scientific activities in such environments is prohibitive. In Antarctica this is formalized as being a 'consultative party' of the Antarctic Treaty System; in outer space it is an informal aspect covered by the use of such phrases as 'spacefaring' states.

We are keen to supervise projects that utilize the concept of Environmental Authority to analyse the development of space law. This project is timely because it builds on Marino and Cheney's publication in Space Policy and has the potential to inform lunar governance at a strategic time. The PhD project will look at different legal instruments that have included or marginalised environmental clauses in the governance of outer space. This work will be conducted with awareness of the geopolitics that underpin the creation of legal instruments. Projects which focus on the legal history of the space law regime not limited to the five United Nations space treaties, especially those that include the perspective of the Global South are particularly welcomed.

About the Supervisors:

Dr Thomas Cheney's research interest are**:** Space Governance, Planetary Protection and the Space Environment, Space Resources, Property Rights, Sovereignty and Jurisdiction, Customary International Law, Legal Geography, and Environmental Humanities.

Dr Alessandra Marino's research interest are: Outer space Geographies; Postcolonial Theory; Feminist Philosophy of Science; Critical Development Studies; Inclusive Innovation; and Citizenship Studies.

Dr Marjan Ajevski's research interests are: Global Governance, International Courts and Tribunals, Space Law, and Governance of the global commons.

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