

# Contribution for the Project on Inter- civilisational Dialogue from a European Perspective



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*Just Access e.V.*

## 1. Introduction – Europe’s Peace Project and Space

For four centuries, Hugo Grotius’ (1583-1645) *Mare liberum* (1609) and *De iure belli ac pacis* (1625) have been widely regarded as the fountainheads of modern international law. *Mare liberum*, in particular, underpins international law’s conceptualisation and actualisation of the common heritage, concern, and interest of humankind not only on the high seas, but also in space. For four centuries, these principles have not only framed international law, but have also been intensely contested and instrumentalised for national and corporate interests that do not evidently align with those of humanity.<sup>1</sup>

Westphalian Europe’s integration project was conceived as a response to the devastation of war. The Schuman Declaration of 1950 proclaimed that peace “cannot be safeguarded without creative efforts proportionate to the dangers which threaten it.”<sup>2</sup> Two and a half decades later, the Helsinki Final Act (1975) reaffirmed the importance of peace and respect for human rights as the foundation of the European political order.<sup>3</sup>

Today, those ideals are being tested in outer space. This domain, historically imagined as a field of scientific cooperation and universal benefit, is increasingly being framed in military terms.

This transformation raises a legal and ethical question: Can Europe’s human-rights-based conception of peace guide an inter-civilisational dialogue on the militarisation of outer space? Put differently, can the European tradition of linking security to human dignity and lawful restraint help reconcile divergent civilisational visions of “defence” in orbit – between, for instance, US deterrence doctrines, Chinese emphasis on sovereignty, and Europe’s own commitment to multilateralism?

Addressing this question is relevant for three reasons. First, space has become a testing ground for the universality of human-rights principles. Second, the European discourse itself is

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<sup>1</sup> Mark Somos, ‘Open and Closed Seas: The Grotius-Selden Dialogue at the Heart of Liberal Imperialism’, in ed. Edward Cavanagh, *Empire and Legal Thought: Ideas and Institutions from Antiquity to Modernity* (Leiden: Brill, 2020), 322-361.

<sup>2</sup> [https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950\\_en](https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950_en)

<sup>3</sup> <https://www.osce.org/files/f/documents/5/c/39501.pdf>

shifting, since documents such as the Strategic Compass (2022) and the EU Space Strategy (2023) increasingly highlight the military and security potential of space technologies.<sup>4</sup> Third, these developments occur within a broader inter-civilisational context in which differing historical experiences shape the understanding of “peaceful use.”

Just Access argues that Europe’s post-war legal humanism, based on the respect and promotion of human rights, offers a normative framework for dialogue on space security. In this sense, the European vision of peace through rights and law provides a moral compass for the governance of outer space. Our perspective will seek to clarify whether Europe can act as a mediating civilisation between competing paradigms of security in outer space.

## **2. The Principle of Peaceful Use**

The legal foundation of space governance is the Outer Space Treaty (OST) of 1967.<sup>5</sup> Though antiquated in many ways, this treaty, adopted at the height of the Cold War, remains the constitutional charter of international space law and expresses a distinctly humanistic aspiration: that outer space shall be a domain of peace and cooperation “for the benefit and in the interests of all countries,” belonging to all humankind. Article I establishes freedom of exploration and use, non-discrimination in access, and the requirement that activities be conducted for the benefit of all states. Article IV goes further, prohibiting the placement of nuclear weapons or any other weapons of mass destruction in orbit, and banning military bases, fortifications, weapons testing, and manoeuvres on celestial bodies. It does, however, permit the use of military personnel or equipment for peaceful purposes, which reflects a delicate balance obtained during its negotiation.

The Treaty’s framers avoided defining what “peaceful purposes” means, and this ambiguity has shaped subsequent interpretations. In the 1960s, many States tended to understand “peaceful” as non-military: outer space was to remain free from all military activity, mirroring the demilitarisation of Antarctica. Over time, however, practice diverged. Satellite technology became integral to communication and early-warning systems, and this led to the United States adopting a more permissive understanding of “peaceful” as non-aggressive.<sup>6</sup> Under this interpretation, military uses of space were acceptable so long as they did not constitute a threat or use of force contrary to the United Nations Charter. By the end of the Cold War, this broader interpretation had become dominant, and State practice consolidated around it, effectively normalising dual-use technologies in outer space.<sup>7</sup>

The Moon Agreement of 1979, negotiated to elaborate on the OST’s principles, attempted to reaffirm the non-military character of celestial bodies and to define the Moon and its resources

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<sup>4</sup> [https://www.eeas.europa.eu/sites/default/files/documents/strategic\\_compass\\_en3\\_web.pdf](https://www.eeas.europa.eu/sites/default/files/documents/strategic_compass_en3_web.pdf);  
[https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/754598/EPRS\\_BRI\(2023\)754598\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/754598/EPRS_BRI(2023)754598_EN.pdf)

<sup>5</sup> <https://www.unoosa.org/pdf/publications/STSPACE11E.pdf>

<sup>6</sup> <https://webthesis.biblio.polito.it/35982/1/tesi.pdf>, Section 5.3.1.

<sup>7</sup> See e.g., Gulf war and US use of space technology, <https://www.cigionline.org/publications/the-first-space-cyber-war-and-the-need-for-new-regimes-and-policies/>

as the “common heritage of mankind.”<sup>8</sup> Yet the major space-faring powers (i.e., the United States, Russia, and China) refused to ratify it, largely because of concerns over sovereignty and the management of resources. The limited acceptance of the Moon Agreement proves the tension between universal principles and national strategic interests, a tension that would resurface decades later with the rise of national space programmes and private exploration initiatives.

In 2020, the United States launched the Artemis Accords, a series of non-binding agreements between States participating in a programme led by NASA to return humans to the Moon and eventually travel to Mars. The Accords reaffirm commitment to the OST but introduce new operational concepts – most notably “safety zones” and “due regard” mechanisms – to prevent harmful interference between actors operating in proximity.<sup>9</sup> Nevertheless, the text reiterates that activities “should be exclusively for peaceful purposes”.<sup>10</sup>

This language is not straightforward. Supporters can argue that such measures are merely extensions of the OST’s obligation to avoid harmful interference and ensure safety; critics see them as opening the door to unilateral action and quasi-territorial claims under the guise of protection. The concept of safety zones risks creating de facto areas of control, which challenges the prohibition of national appropriation enshrined in Article II of the OST.

Different space powers interpret these developments through their own legal and cultural perspectives. The United States frames them as clarifications necessary for the safe conduct of complex missions and consistent with the non-aggressive understanding of peaceful use. China and Russia, by contrast, warn that they erode the multilateral framework centred on the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) and undermine the OST’s spirit of demilitarisation. They continue to advocate for a new binding instrument prohibiting the placement of weapons in outer space – a proposal first made in 2008<sup>11</sup> and reiterated later on different occasions.<sup>12</sup>

European States, many of which have joined the Artemis Accords, navigate an intermediate position. EU institutions consistently affirm the importance of maintaining space as a peaceful and cooperative environment, yet they increasingly acknowledge its strategic dimension and the need to defend space assets.

This divergence of interpretation shows how legal norms reflect deeper civilisational conceptions of peace and order. In the American tradition, security is achieved through

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<sup>8</sup> <https://treaties.un.org/doc/Publication/UNTS/Volume%201363/volume-1363-I-23002-English.pdf>, Article 11.

<sup>9</sup> <https://www.nasa.gov/wp-content/uploads/2022/11/Artemis-Accords-signed-13Oct2020.pdf>, esp. Section 11.

<sup>10</sup> Ibid, Section 3.

<sup>11</sup> <https://press.un.org/en/2008/gadis3371.doc.htm>

<sup>12</sup> e.g., <https://docs.un.org/en/CD/1985>; <https://docs.un.org/en/A/RES/79/20>; <https://documents.un.org/doc/undoc/gen/n24/389/40/pdf/n2438940.pdf>

deterrence and technological superiority; in the Chinese and Russian approaches, peace is linked to sovereignty and balance among powers; in the European legal imagination, peace arises from law and shared responsibility. The principle of “peaceful use” thus can be considered as a mirror of civilisational values.

Within the framework of the present project on inter-civilisational dialogue, this ambiguity should be rethought as a space for engagement. The multiplicity of readings invites reflection on how different traditions understand peace and security. Europe’s challenge is to translate its post-war commitment to peace through law into the emerging governance of outer space.

### **3. The European Discourse from Peaceful Uses to Security and Defence**

The European Union’s language on space has changed profoundly in the past decade. What was once presented as a strictly civilian and cooperative enterprise is now framed increasingly in the vocabulary of security and defence.

The early architecture of European space activity, based on the civilian mandate of the European Space Agency and in programmes such as Copernicus and Galileo, embodied the Union’s post WWII ideal of peace through cooperation. Space policy was an extension of Grotius’ and Schuman’s logic: shared resources and scientific collaboration would bind nations together, ensuring peace through interdependence. Yet, global tensions have risen, and that language has been gradually replaced by one of protection and autonomy, particularly in the most recent security and space strategies.

This change culminated in the EU Space Strategy for Security and Defence adopted in March 2023. The Strategy declares that “space has become a contested domain”. It calls for developing response mechanisms to hostile acts in orbit and strengthening cooperation between civilian and military actors. Space has thus entered the vocabulary of deterrence and strategic competition.

The underlying rationale of this discourse is pragmatic. Since European economies and humanitarian operations depend on orbital systems, the destruction or disruption of satellites would have immediate consequences for security on Earth. Yet, this reasoning sits uneasily beside the EU’s moral and legal identity as a community founded on peace and human rights. The Treaties commit the Union to uphold human rights in all its policies, and this extends logically to outer space. To recast peace as something that must be “defended” through militarisation risks undermining the very value it seeks to preserve.

The task ahead is to translate these impulses into a coherent vision of peace for the space domain, or at least into a shared framework for reconciling rival interests, but one that at minimum integrates human rights and interdependence into the logic of security itself. This tension, and the attempt to reconcile it through dialogue with other civilisational approaches, forms the basis for reimagining Europe’s role in global space governance.

#### **4. Inter-civilisational Interpretations of Peace and Defence**

The controversies surrounding the meaning of “peaceful use” and the legitimacy of establishing safety zones reflect distinct civilisational understandings of what peace itself entails. The debate over militarisation in space can be read as a mirror of divergent worldviews – American, Chinese, and European – each with its own moral logic and historical trajectory.

In the American tradition, peace has often been conceived as the product of deterrence and technological superiority – a Realist inheritance in which order arises from the balance of fear rather than the absence of arms. From the Cold War onward, this approach was transposed into the space domain. The United States interpreted the Outer Space Treaty through the lens of non-aggression, not non-militarisation, believing that peace could be preserved if potential adversaries were deterred.<sup>13</sup> This rationale is at the basis of the establishment of the US Space Force and the defensive language of the Artemis Accords. Peace, in this view, is maintained not by eliminating power but by managing it. It is a security-centred conception rooted in liberal realism: order through capability, peace through preparedness.

By contrast, the Chinese civilisational conception of peace draws on Confucian and tianxia (“all under heaven”) traditions, where harmony is the natural condition of the world and conflict represents moral disorder. In this philosophy, peace is not achieved by balancing forces but by restoring relational equilibrium through hierarchy and mutual respect, with China as their global guardian. In China’s approach to space governance, this manifests as an emphasis on sovereignty and the pursuit of a community of shared future for humankind. Technological development is welcomed, but it must serve collective stability and social purpose.

The European understanding of peace lies somewhere between these positions but possesses its own distinctive moral and legal depth. Shaped by Christian humanism and the post-war project that led to the European Union as we know it today, Europe’s vision of peace is juridical and relational: peace through law, dialogue, and the recognition of human dignity. The Schuman Declaration and the Helsinki Final Act embody this ethos by treating peace as an ongoing act of institution-building – a structure rather than a temporary equilibrium of power. European thought views defence not as domination or deterrence but as the safeguarding of conditions under which rights and dialogue can flourish. In space governance, this translates into a preference for multilateral frameworks. Even as the European Union now speaks of “space security”, this new approach remains infused with a normative impulse to regulate power through common rules rather than to impose order through might.

The legal disputes over what counts as defensive or peaceful behaviour are, in reality, manifestations of a broader civilisational conversation about how humanity imagines safety and coexistence beyond Earth. Each of these three civilisational traditions appeal to universal values but understands them differently. The challenge is to translate between them, to find what this project refers to as “effective shared values” that can sustain peace in a plural world.

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<sup>13</sup> Section 5.3.1 <https://webthesis.biblio.polito.it/35982/1/tesi.pdf>; Part 1 [https://unidir.org/wp-content/uploads/2024/09/UNIDIR\\_Outer\\_Space\\_and\\_Use\\_of\\_Force.pdf](https://unidir.org/wp-content/uploads/2024/09/UNIDIR_Outer_Space_and_Use_of_Force.pdf)

This is precisely the task of civilisational diplomacy envisioned by the present project. It calls for dialogue that recognises difference without descending into relativism. Outer space, by its very nature, compels such diplomacy, since it is a domain where no single State can claim sovereignty and where cooperation is the only path to sustainability. Europe has the opportunity to act as a mediator if it re-examines the principle of peaceful use from an inter-civilisational perspective.

## **5. The Human Rights Contribution to Inter-civilisational Dialogue**

A renewed framework for peaceful space governance must begin from the recognition that outer space forms part of the common heritage of humankind. Its exploration and use concern not only States, international organisations and corporations, but every person whose life depends on the technologies that orbit the Earth. If space is a domain shared by all, then human rights offer a possible common language through which diverse civilisations can engage in dialogue about its future.

A human rights approach to space governance would rest on four core principles, derived from international human rights law. First, transparency, reflecting the right of access to information and the duty of states to act openly. Second, accountability, ensuring that all actors remain answerable under law for violations of agreed norms. Third, participation, affirming that all peoples – especially smaller States and civil society – have a right to a voice in decisions that affect them. Fourth, non-discrimination, guaranteeing equitable access to the benefits of space science and technology, consistent with Article I of the Outer Space Treaty.

Framing space through human rights principles allows peace to be conceived as a condition of justice. Just as environmental law introduced the notion of sustainable development to reconcile industrial growth with responsibility, space law could evolve toward a concept of peaceful development, where security and peace are mutually reinforcing. Within this evolution, the international community could progressively articulate a right to peace and disarmament in outer space, according to which no civilisation should deploy technologies that endanger humanity's shared cosmic environment. Such a right would not require radical innovation, since it can extend from the existing human rights instruments.<sup>14</sup> Europe is uniquely positioned to champion this vision because of the role it played since WWII in promoting a rule-based international order based on human rights.

Such an approach echoes the project's call for anthropological peacebuilding – a peace grounded in a shared understanding of the human condition. The task is to rediscover, even within the technological context of space exploration, what the project document calls the sense

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<sup>14</sup> See, inter alia: *United Nations Charter* (1945), Preamble and Articles 1 and 55, affirming that peace and human rights are interdependent aims of the international community; *Universal Declaration of Human Rights* (1948), especially the Preamble and Article 28; *Declaration on the Right of Peoples to Peace*, UNGA Res. 39/11 (12 November 1984); *Declaration on the Preparation of Societies for Life in Peace*, UNGA Res. 33/73 (15 December 1978); *Human Rights Council Resolution 32/28* (1 July 2016) on the *Right to Peace*.

of the holy: the recognition that peace itself is sacred, a common horizon that transcends civilisations.

## **6. A European Role in “Civilisational Diplomacy” for Space**

If outer space has become a testing ground for the meaning of peace in the twenty-first century, Europe is uniquely equipped to act as a mediator between competing civilisational visions. A European diplomacy for space could extend the Union’s foundational vocation of peacebuilding.

Europe’s contribution should begin with the tools it knows best, which are confidence-building and transparency measures. The OSCE provides a template for turning political mistrust into dialogue. Measures such as notification of military exercises and mutual verification helped stabilise security during the Cold War. Similar mechanisms could be adapted to space.

Europe should aim at linking space ethics to the EU’s Human Rights and Democracy Action Plan.<sup>15</sup> Since the EU already integrates human rights conditionality into its trade and development policies, it could extend similar principles to the governance of outer space. The EU could, for example, propose a “Human Rights and Space Ethics Charter” articulating commitments to peaceful use of outer space.

These initiatives would transform Grotius’ challenge to reimagine international law without religion – the infamous *etiamsi daremus* postulate – into an invitation to craft an intercivilisation legal regime that prioritises human rights over States. It would also constitute what Robert Schuman called a “creative effort commensurate with the scale of the threat.” Civilisational diplomacy in space would not erase difference but transform it into a resource for coexistence. Europe should lead this dialogue to renew its own vocation as a builder of peace.

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[https://www.eeas.europa.eu/sites/default/files/eu\\_action\\_plan\\_on\\_human\\_rights\\_and\\_democracy\\_2020-2024.pdf](https://www.eeas.europa.eu/sites/default/files/eu_action_plan_on_human_rights_and_democracy_2020-2024.pdf)