

66th International Astronautical Congress 2015

58th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Recent Developments in Space Law (5)

Author: Prof. José Monserrat-Filho
Brazilian Space Agency (AEB), Brazil, jose.monserrat.filho@gmail.com

EARTH IN DANGER AND SPACE LAW

Abstract

We live in “a time of profound transformations to our global context,” stressed Klaus Schwab, Founder and Executive Chairman of World Economic Forum, during the presentation of the Global Risks Report 2015, in Davos, Switzerland. He considers that humankind faces the accelerated effects of climate change and the increasing uncertainty about the global geopolitical context. Going further, the Bulletin of the Atomic Scientists Science and Security Board, in a recent analysis, pointed out that “in 2015, unchecked climate change, global nuclear weapons modernization, and out-sized nuclear weapons arsenals pose extraordinary and undeniable threats to the continued existence of humanity.” That led the symbolic Doomsday Clock to be advanced by two minutes. Today it marks only three minutes to midnight, the moment of the Earth’s collapse. There are many other reports and studies alerting to this catastrophe. Such an immeasurable disaster on Earth may affect all space activities, and their legal achievements. While focusing on outer space and space activities, Space Law can be considered not only a probable victim of this disaster, but also an important instrument able to contribute to prevent it. The fundamental 1967 Outer Space Treaty, as its Preamble points out, is inspired “by the great prospects opening up for humanity as a result of man’s entry into outer space” and recognizes “the common interest of all mankind in the progress of exploration and use of outer space for peaceful purposes.” This obviously means that the fate of humanity is its center of attention. This paper attempts to demonstrate the ability and the need for space law to face the critical situation of the Earth in extreme danger, including the legal examination and the use of juridical provisions presented in the recommendations of the main scientific documents already drawn up on this transcendental subject. In conclusion, some viable initiatives in the space law field are proposed as contributions to efforts to provide Earth with new guarantees of survival.