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Author: Dr. George Kyriakopoulos
National and Kapodistrian University Of Athens, Greece

WHERE LAW MEETS CINEMA: JAMES CAMERON'S AVATAR AS FOOD FOR THOUGHT ABOUT THE ANTHROPOCENTRIC NATURE OF SPACE LAW

Abstract

James Cameron's Avatar is a 2009 science fiction film about a paraplegic marine who participates in a military mission of colonization and exploitation of the moon Pandora of a planet in the constellation of Alpha Centauri. The mission's main purpose is the extraction of a precious mineral called unobtanium.

The film's hero, Jake, will come close to the native Na'vi tribe, which lives in harmony with Nature and resists human colonization. Jake will approach the Na'vis by remotely driving a genetically engineered body, which allows him to mix with the natives. When human forces attempt a military strike, Jake chooses to side with the natives in order to help them to protect the natural environment of Pandora and repel the human attempt to destroy the planet's ecosystem in order to promote commercial exploitation.

From the legal standpoint, the interest of the film lies in the acceptance that mankind has an unlimited right to populate planets with intelligent life in terms reminiscent of the Colonial Era: Imposition of the technologically advanced, plunder of colony's resources, violation of the rights of indigenous populations and environmental degradation in the name of commercial priorities.

However, what is more interesting is an attempt to apply international law to the mythological context of Avatar:

From the perspective of general international law, UNGA Resolution 1803(XVII) in conjunction with Resolution 1514(XV) provide that all peoples not only have the right to self-determination but they also have "permanent sovereignty" over their natural resources. Nevertheless, international law is applicable among States, therefore its application is not automatically extended to extraterrestrial creatures. Further, a similar lacuna also exists regarding the implementation of the Law of Outer Space in this case: Although Article IX of the OST provides that States shall avoid "harmful contamination" during space exploration, the obligation of States to conduct activities in outer space "with due regard to the corresponding interests of all other States" (Articles I, IX OST) obviously does not refer to alien indigenous populations. The same is true with Article II OST, whereby outer space is not subject to national appropriation, as this concept makes sense only between "nations".

It appears, then, that International and Outer Space Law have significant lacunae in case of discovery of intelligent extraterrestrial life. These shortcomings (which reflect an anthropocentric nature of International and Outer Space Law), together with proposals to address them, will be explored in this paper.