

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Moon and Mars Settlement: Open Legal Issues (2)

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LAWS OF CELESTIAL SETTLEMENT: OPENING A TWO-FORKED LEGAL PANDORA-BOX -
EXTENSION OF NATIONAL LAW OR AN INTERNATIONAL ALL INCLUSIVE TREATY

Abstract

Legal Laws and Policies are the foundation of any civic society and it is cardinal for the smooth interaction and functioning of a social order. This is imperative to every society and where ever there is human settlement. When human transcend the gravitational boundaries and extend their habitation to Moon and Mars, the question of how the human activities in the new-found settlement need to be answered.

This paper looks into the two-forked question of whether to extend the national laws of the country which initiate the settlement or to have an all inclusive International Treaty on Outer-space settlement laws. Initially, the paper examine the present international laws on Outer-space and how the same is applied to Astronauts, who being the existing space travelers. Astronauts are given special status in the international treaties and whether the same can be extended to all individuals of a space settlement will be examined in the light of the legal meaning of the word "Human Settlement". The paper also looks into the historical evolution of laws in different human settlement in different part of the world.

At present, national laws are extended to the human space activities in Outer-space. This paper looks into how the national laws can be extended to Celestial settlement and its limitation. This will result in multiple legal systems in celestial bodies depending on which country is responsible for each settlement. The paper will examine the importance of the concept of "Common heritage of mankind" on the implementation of national laws to space settlement.

The paper will conclude with the need of an International Treaty encompassing an all inclusive Treaty on Space Settlement or mutually agreed general guideline on how the nationals of a nation will be applied in space settlements.