

57th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Poster Session (P)

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MAKING MORE 'SPACE' FOR MANKIND-CHALLENGES IN GOVERNING SPACE COLONIZATION

Abstract

A landmark contribution in the ongoing evolution of human activities in space is the development of technology capable of transporting large number of paying passengers into outer space on a commercial basis. The latest trend in this regard, 'space colonization' – the concept of permanent human habitation beyond the boundaries of earth, juxtaposes a whole new range of legal issues that need to be analysed. The famed Cosmologist Stephen Hawking recently stated that the colonization of outer space is key to the survival of humankind due to the prediction that Earth would become inhabitable in the next hundred years. Therefore, it is seen as the next big goal of the national space programmes. This paper first analyses the legal problems inherent in space colonization and its regulation. The biggest economic incentive for states will be to acquire "land claims recognition". However, the current space law based on res communis regime does not permit property ownership for states. Contrary to this, some experts opine that the Outer Space Treaty, 1967 does not forbid private property rights. Further, even though the Moon Treaty, 1979 bans all private property rights on the Moon and other celestial bodies, its binding nature is contested as major space faring nations have not ratified this treaty. Therefore, the issue of private property rights in outer space is a complex one and the development of an international legal regime for recognising and protecting these rights is imperative to make this vision a reality. The second part of the paper will depict the difficulty in the application of the Liability Regulation under which only states are responsible for their endeavours in outer space. However, it will not be just to hold only particular state/states liable as private entities will be totally involved in the mission of colonizing space. Given the large investment required to implement space colonisation, the private sector will not invest in outer space unless all these legal issues are settled, ensuring a possibility for some return on the investment. In the end, the paper concludes by discussing a special legal regime covering extraterrestrial habitats having international consensus and its related issues.