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SOVEREIGNTY AND SELF-DETERMINATION BEYOND ATMO: THE NEED FOR
INTERNATIONAL COOPERATION IN INTERSTELLAR RELATIONS

Abstract

Current space activities rely heavily on international collaboration and these collaborative activities naturally create an expectation of supervision and control by terrestrially based governments over temporary non-terrestrial populations. However, at some point in our future, efforts to develop permanent human habitations in orbit or on celestial bodies in our solar system will be undertaken and realized and will very likely depend on even greater levels of international cooperation. When that happens, the international community will face a new challenge of collaboration related to human exploration and exploitation of space: The desire for self-governance among permanent non-terrestrial populations.

The current understanding of the self-determination of peoples is inextricably linked with the international legal principle of sovereignty, which itself is directly tied to notions of control over Earth-based territory, simply because no other conceptual framework has been necessary. Thus, the question of when a permanent non-terrestrial community may assert its political and legal independence lacks compelling precedent in the current international legal structure. It is, however, a question which will absolutely need to be addressed in humanity's future. International cooperation and collaboration in responding to that question will be essential to ensuring peaceful interstellar relations and the ability of all humanity to continue to use and explore outer space.

This paper will examine the current legal norms of self-determination and sovereignty in light of the future development of permanent non-terrestrial populations and attempt to identify how those norms may be decoupled from a terrestrial conceptual framework in order to allow extrapolation to those communities. It will attempt to create a proposed normative framework that identifies legal tests which can be used to determine the threshold for self-determination claims by permanent non-terrestrial populations. Such tests might include the balance between self-sustainability and reliance on earth-based resupply, the size of the community, or the existence of rules and regulations designed to address circumstances unique to the community. Finally, the paper will propose standards of collaboration and cooperation by Earth-based governments in responding to non-terrestrial populations and demands for self-determination, including a proposed pathway from supervision to autonomy to political independence, in order to ensure the continued peaceful interactions among humanity as it reaches for the stars.