

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

Dr. Jasentuliyana Keynote lecture by a leading space law expert and IISL Young Scholars session (1)

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THE PLIGHT OF VALINOR: A REALIST'S APPROACH TO THE DEVELOPMENT OF SPACE LAW
IN FUTURE MARS COLONIAL SOCIETY

Abstract

Air, Water, Food, Shelter, Sleep: These are the five basic requirements for a human being to survive. Providing these basics to a single person is a harrowing challenge; providing them to 1,200 souls on the merciless Martian landscape is nearly impossible. Nonetheless, in 2032 SpaceX successfully constructed Valinor -the first human scientific settlement on Mars- by transporting hundreds of scientists, engineers, scientific experiments and the most technologically advanced survival equipment ever created to the red planet. Each year saw more successful missions to Valinor, and the world community grew more excited about the realization of mankind's expansion into the cosmos. However, after 15 years of exciting scientific discoveries and over 350 billion dollars invested in its survival and sustainability, Valinor remained monetarily profitless. After the stock market crash of 2047, SpaceX was purchased by OnlyEarth Corp., an oil conglomerate that saw Valinor as a threat to its fiscal security. Over the next three years, OnlyEarth reduced its regular supply missions to Valinor, demanding that Valinor produce massive quantities of Martian raw materials in exchange for fresh supplies from Earth. When Valinor refused to comply with these demands, OnlyEarth ended re-supply missions altogether. With the flow of corporate resources now stemmed, Valinor's leadership was forced to redesign the sociopolitical and legal structure of its 1,200+ inhabitants to ensure the colony's survival.

Employing the medium of science fiction as a tool for both entertainment and serious inquiry, this paper will utilize 17th and 18th century colonial history to predict the future development of space law by an independent Martian society faced with the possibility of extinction. The present analysis will follow a two-tier structure, aiming to explore the future through the lens of the past. The first level will examine the legal history of self-subsistent colonies in the New World and Australia, observing how these societies created new legal regimes by incorporating both their European legal heritage and new concepts of law imposed by the necessities of survival. The second level will explore how well-established principles of space law and international law might be adopted, adjusted and re-imagined by a new interplanetary society during its legal formation. Based on historical precedent, this paper will present a historically informed prediction as to how a newly created Valinor might adapt its 21st century legal toolkit to satisfy the needs of a community on the edge of oblivion.