

49th IAA SYMPOSIUM ON THE SEARCH FOR EXTRATERRESTRIAL INTELLIGENCE (SETI) –
The Next Steps (A4)
SETI 2: SETI and Society (2)

Author: Mr. Raphael Costa
Institut du Droit de l'Espace et des Telecommunications (IDEST), France

LEGAL ISSUES REGARDING EXTRATERRESTRIAL LIFE AND INTELLIGENCE

Abstract

Those legal issues can be divided in two parts : the protection of alien lifeforms on one hand ; and the protection of humanity from those lifeforms on the other hand. The presentation will be fully understandable for non-lawyer public. The objective is to sensitize space community to legal aspects of extraterrestrial lifeforms, which is not always seen as a topic for legalists but only a matter of research for unrealistic scientists. Both are wrong, this scientific topic is a key to understand law and science of life.

First of all, the protection of alien lifeform has two sides : the protection of its environment and the protection of the lifeform itself. This takes us to expose the environmental protection of outer space which is undeveloped and disarmed to prevent prejudicial pollution of outer space, which is by nature the middle occupied by those lifeforms. Secondly, we could imagine in a prospective view, that intelligent lifeform will be discovered. What are the legal tools who can protect those being ? Some scholars argue that human rights could apply, in some conditions to aliens. Moreover, some laws regarding protection of oceans could be used to protect water lifeforms, for instance under the ice of Europa.

The second part concerns the protection and reactions of humanity. The contamination of Earth by extraterrestrial matter, including living substances, is planned by the Outer Space Treaty. This Treaty is nowadays signed and ratified by more than a hundred of States, including all spacefaring nations. Article IX urges all States to take all measures to avoid the contamination of Earth. But the arrival of intelligent lifeforms, who will be more developed than humans is not taken into account. As said some US president : this will be the only way to gather humanity. A documentary made on COPUOS simulated this arrival, we will then discuss how the United Nations committee considers the procedures to adopt in such case. But the risk of unilateralism is huge : we will explain why such attitude will be problematic and why international cooperation is the only way legal way to deal with extraterrestrial lifeforms.