

Transcending Societal Issues for Space Exploration (12)
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A NEW STATE IN OUTER SPACE: THE LEGAL CHALLENGES AND THE NEED TO GRANT
STATEHOOD TO ASGARDIA.

Abstract

Humans have long wished to establish permanent settlements in space. A brand-new State is the most viable way to achieve this. A new State will be a clean slate absent of the flaws and bureaucratic challenges of existing governments and legal frameworks. A new State will also circumvent the restrictions of the Outer Space Treaty. However, if private entities are the pioneers in establishing human settlements in space, there exists the risk of human rights violations. At present, potential space settlers are willing to sign over their most basic rights of free choice of residence, profession, right to adequate medical treatment, and many others for this opportunity. They seem to ignore that residing in a limited space, such as a space station, constitutes the loss of privacy, feeling of confinement, and increase risk of suffering mental illnesses due to prolonged social isolation. Instead of a private corporation establishing settlements in space, creating a new State will avoid potential human rights violations and guarantee redress to victims.

In 2016, Dr. Igor Ashurbeyli announced the creation of “Asgardia.” Asgardia is a potential corporation that is pursuing Statehood in space. Asgardia seeks to establish human space settlements orbiting Earth in a floating space station and eventually establish permanent settlements on celestial bodies, where Asgardian citizens would live and work. However, the legality of Asgardia depends on two issues: whether the Outer Space Treaty prohibits its existence and, if it does not, whether Asgardia meets the requirements for Statehood as outlined in the Montevideo Convention. This Paper argues that the Outer Space Treaty does not bar Asgardia from existing or seeking State recognition. This Paper further establishes that, although Asgardia does not easily meet the characteristics to be a State per the Montevideo Convention, such criteria should be expanded and adapted to modern times, which will facilitate Asgardia’s Statehood. Part I explores the Asgardia project. Part II discusses the Outer Space Treaty with a particular focus on the articles pertinent to States’ activities in space. Part III details the requirements for Statehood per the Montevideo Convention. Part IV evaluates whether Asgardia meets such requirements. Part V justifies granting Statehood to Asgardia on the basis that it will prevent human rights violations in space. Part VI briefly concludes.