

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
International cooperation on the way to the Moon and Mars (2)

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ASSESSING A MARS AGREEMENT INCLUDING HUMAN SETTLEMENTS

Abstract

A sustained presence on Mars implies the clarification of a wide range of legal aspects. Some of these legal aspects could be framed under the current legal instruments, such as the United Nations Space Treaties, while other represent a novelty. Many aspects relating to human settlements in outer space could determine the need for new legal systems specifically designed for space exploration.

As part of a global space law essay competition, the European Space Policy Institute (ESPI) and the German Aerospace Center (DLR) invited students and young professionals to express their ideas around the topic of assessing a Mars Agreement, including human settlements. Inspired by humanity's dream to reach Mars, excellent legal contributions were received from around the world offering fresh insights and new ideas. Accordingly, this paper presents a collection of these rich contributions from the next generation of space professionals on this topic, assessing various aspects of potential special international rules to be compiled in a future multi-layered Mars agreement. The individual chapters consider not only aspects of cooperation regulation – including the precedent of the International Space Station agreement, intellectual property rights, legal considerations around the freedom of exploration and use, and the legal implications of contact with extraterrestrial intelligence – but also address the creation and management of a new society on Mars – including water and waste-streams, criminal justice, human reproduction and childbirth, and the protection of human rights in privately funded settlements.

This paper therefore provides a solid contribution to debates that will shape the future of humanity, and helps to ensure that this takes place in the spirit laid down by the Outer Space and other treaties – that the exploration and use of Mars shall be carried out for the benefit and in the interests of all humankind.