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THE CASE FOR MARTIAN INDEPENDENCE

Abstract

Recent advancements in space transportation technology, such as the development SpaceX's Starship/Super Heavy launch system, the Blue Origin's New Glenn along with renewed ambition by NASA and other space agencies to return to the Moon on permanent basis, has given rise to discussions on the future international regime governing use and exploitation of outer space, as such activities seem to have left the realm of science fiction and migrate towards the realm of reality. While there has been no shortage of calls for multilateralism in deciding how the outer space is about to be used for the benefit of all countries, little regard has been paid to the possible needs and rights of the most delicate entities participating in the human use of space: the individuals actually occupying outer space, both for the benefit of organizations sending them, or otherwise. This question is essential for any vision of future exploitation of space that goes beyond the outer space being occupied by a limited number of research outposts. In particular, how well would those rights be protected in places without any public authority capable of exercising its sovereignty and protecting the basic human rights against possible violations? This rises a need to assess the merits of possible models of political governance over portions of outer space occupied by humans, such as the terrain, structures or caves outside of landers or modules launched from Earth, including, in particular, the possible political autonomy of human communities beyond Earth, as mentioned recently by entrepreneur Elon Musk. This paper seeks to compare these models of political governance from the perspective of their capability and efficiency in preserving the human rights in outer space, along with the practicability of their introduction under international law.