

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
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OVERCOMING THE GEOCENTRIC PERSPECTIVE TO ENSURE THE FUNCTIONING OF THE
FUTURE SPACE SETTLEMENTS.

Abstract

It is a widely shared opinion supported by the declarations of intent that outline their future path, that the common denominator of the next space programs consists in the desire to make humanity a space-faring species, going beyond the use already commonly made of outer space and its resources. Consequently, the goal is to create a human presence in space no longer limited to a few carefully selected and trained subjects, which are sent to space as envoy of mankind to carry out precise missions. Contrary to what has happened until the first tourist trips to space, the aim is now to open the universe to a wide audience of people with the most diverse professional and personal backgrounds. This exquisitely civil heterogeneity, if it goes well with the dictates of the international treaties dedicated to the law of space (and in particular the fundamental Outer Space Treaty), clashes with the need to create the legal conditions to ensure the proper functioning of the space community. It will be necessary to find an internationally shared regulatory substrate that is at the same time sufficiently detailed to ensure the daily functioning of relations between subjects settled in space and between these settlements and the Earth. This necessarily and intrinsically supranational (and, on the long run, interplanetary) connotation of settlements in space requires, in the perspective of permanent, non-military and long-term stability, to rethink the exquisitely geocentric perspective that has formed the basis of space law since its inception. The need, in the short term, is to find diplomatic and legal solutions to lay the foundations for future settlements in space. In the long term, this need goes so far as to foresee, in the face of well-rooted, functioning and economically relevant communities, the natural evolution towards forms of self-government of these settlements under the guidance, and not under the domination, of entities (such as the United Nations) able to ensure its functioning in compliance with human rights and democratic rules.