

Space Law and Human Rights: An Introduction



Dr. Rabindra Kr. Pathak, Assistant Professor
National University of Study and Research in Law, Ranchi.

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Introduction

There is a growing interest in ‘Space’, and it has resulted in rapid exploration of space for varied purposes. The interest is likely to increase in future. Such *exploration* will become *exploitation*. Two possibilities; militarization of outer space and human settlement in outer space.

Both of the two possibilities entail questions, the most important one being whether the present ‘international human rights law’ and ‘space law’ will be adequate to deal with such possibility of human settlement in out space or such a development would require new legal principles and practice?

Is a new jurisprudence on the anvil in the times to come?

Examining the relevant laws

As to the question, can human rights agreements be extended to a ‘space environment’, the foremost legal instrument that may shed some light is ‘Outer Space Treaty’.

Outer Space Treaty

ARTICLE III

States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the moon and other celestial bodies, *in accordance with international law*, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding.

“...in accordance with international law...”

The use of the expression “in accordance with international law” in a way extends the application of international human rights law to the outer space as well.

Outer Space Treaty

ARTICLE IV

“States Parties to the Treaty undertake not to place in orbit around the earth any objects carrying nuclear weapons or any other kinds of *weapons of mass destruction*, install such weapons on celestial bodies, or station such weapons in outer space in any other manner.”

It implies therefore that the treaty prohibits the use of weapons of mass destruction.

Outer Space Treaty

ARTICLE IX

“In the exploration and use of outer space, including the moon and other celestial bodies, States Parties to the Treaty shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space, including the moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty. States Parties to the Treaty shall pursue studies of outer space, including the moon and other celestial bodies, and **conduct exploration of them so as to avoid their harmful contamination and also adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter** and, where necessary, shall adopt appropriate measures for this purpose.”

Final Points

1. There is a need to rethink words such as ‘jurisdiction’ and ‘territory’ anew in order to appreciate the application of international human rights law to ‘outer space’.
2. There is a need to identify the legal frameworks and ethical standards governing outer space activities.

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