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Prof. (Dr.) Jay Prakash Yadav, Director of Amity Law School, Lucknow, serves as the Senior Chief Editor of the Legalonus Law Journal. A distinguished Constitutional Law scholar, he brings over two decades of experience in teaching, research, and administration. Formerly, he founded Jagran School of Law, Dehradun, and UILS, Chandigarh University. A Ph.D. holder and UGC-NET qualified academic, he is a respected consultant and Fellow at The Institute of Constitutional and Parliamentary Studies, New Delhi. Under his leadership, LLJ is committed to academic excellence, fostering critical legal scholarship, and contributing to global legal discourse.





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A seasoned moot court coach and judge, he has officiated over 100 competitions at international, national, and state levels, including events hosted by Newcastle University (UK), Amity Law School, and ICFAI Law School. His teaching and research expertise span Competition Law, Company Law, Insurance Law, and Cyber Crimes, with significant roles in institutions like TNDALU, Anna Institute of Management, and IGNOU.

Dr. Anandh Kumar V is also a Research Associate in Consumer Law, an award-winning arbitration expert, and a curriculum developer. His contributions to legal academia and moot court training reinforce his influence in shaping legal scholarship and practice.

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Megha Middha is a Research Scholar at Mohanlal Sukhadia University, Udaipur, with nearly four years of teaching experience. A Gold Medalist in BBA LL.B (Hons.) from Amity University, Rajasthan, she pursued her LL.M in Business Laws from NLSIU, Bengaluru and is currently enrolled in a Ph.D. program at University College of Law, MLSU, Udaipur.

Passionate about academics and research, she aims to contribute to legal scholarship and societal change. She has numerous publications in SCOPUS-indexed and UGC CARE-listed journals. Her interests include reading, researching, and writing on legal and socio-legal issues, fostering deep analytical thinking among students.



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She is B.Sc., LL.B, LL.M, NET qualified. She has completed her PhD from the faculty of law at Banaras Hindu University. She has participated in and presented a paper in many national as well as international seminars and conferences with multiple publications to her name which are indexed in UGC CARE and peer-reviewed journals. She is an author of multiple books in law and edited books. Her interest areas are cyber law, women and criminal law, Property law, criminal law, etc.

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Advocate Tarun is a distinguished legal professional with expertise in cross-jurisdictional law, practising in London and Mumbai. He excels in cross-border dispute resolution, negotiations, and restructuring projects, demonstrating strategic leadership and problem-solving skills.

A recognized legal scholar, he co-authored a book on International Litigation (Eastern Book Company) and published it in the Young Arbitration Review. His academic credentials include a B.A. LL.B. (Hons.) from GNLU, P.G.D.L. from NALSAR, and an LL.M. from UCL.

A Registered Foreign Lawyer in England and Wales, Tarun is affiliated with the Law Society of England and Wales, the Bar Council of India, and the Chartered Governance Institute (UK & Ireland). He received the Lex Falcon Global Award 2024 – Rising Independent Lawyer of the Year and is a Fellow of the Royal Society of Arts (RSA), England and Wales.

As Chief Editor of Legalonus Law Journal, Tarun's leadership, expertise, and scholarly contributions shape legal discourse, making a significant impact on the legal community.





Dr. Santhosh Prabhu

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Dr. Santhosh Prabhu is a distinguished academician and legal expert with over 15 years of teaching and research experience, specializing in IPR, company law, competition law, and labour laws. He holds a Ph.D. in Law from Alliance University, Bengaluru, and an LL.M. in Business and Trade Laws, along with multiple postgraduate degrees, including MA in Industrial Sociology and MHRM. He is also NET-qualified with Junior Research Fellowship (JRF).

Dr. Prabhu has supervised 37 LL.M. dissertations and 23 MBA projects, contributing significantly to academic development. A leader in curriculum development, he has coordinated national events and organized successful placement sessions at SDM Law College. His extensive research includes over 25 papers in Scopus-indexed journals and books on professional ethics and cyber law. He has delivered 35+ training sessions and contributed expert talks at international conferences on IPR and corporate governance.

As Associate Editor of Legal Opus and a member of editorial boards of peer-reviewed journals, Dr. Prabhu is actively shaping legal scholarship. His leadership in event coordination and skill development programs underscores his commitment to enhancing legal education and empowering students. His innovative teaching methodologies and active participation in academic and professional communities make him a respected figure in the legal domain.



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Aakansha Verma is an accomplished academician and a rising scholar in the field of law. She is currently pursuing her Ph.D. at Integral University, Lucknow, and serves as an Assistant Professor at Presidency School of Law, Karnataka. She has also held the position of Assistant Professor at Amity Law School, Amity University.

With an LL.M. in Constitutional and Administrative Law from Babasaheb Bhim Rao Ambedkar University, Lucknow, and UGC NET qualification, she has presented research papers at national and international conferences, focusing on healthcare access, arbitration, and reproductive technologies. Her research has been widely published in reputed journals and scholarly books.

Dedicated to legal research and education, Aakansha is committed to advancing legal scholarship and fostering a deeper understanding of complex legal issues. Her expertise and academic contributions make her a valuable member of our editorial board.

### **Ms. Anuja Jalan**

Author, Senior Editor  
Assistant Professor  
Balaji Law College,  
Pune



Ms. Anuja Jalan, a lawyer-turned-academician, is passionate about legal research and education. With over three years of legal practice, she has expertise in taxation, corporate laws, criminal law, and intellectual property rights. She holds a Master's degree in Law from UPES, Dehradun, and a B.A.LL.B from Basanthali Vidyapith, Rajasthan.

Currently serving as an Assistant Professor at Balaji Law College, Pune, she is deeply engaged in international law, cyber security, and data privacy. Her research explores judicial transformation, criminal psychology, and law's intersection with technology and society.

Her published works have been recognized globally, with some included in the digital collections of Stanford and Cambridge universities. Ms. Anuja continues to contribute valuable insights to modern legal discourse, making her an esteemed member of our editorial board.





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### **Reshmi Hossain**

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Holding an LL.M. from City University of London, she graduated with B.A. LL.B (Hons.) from Calcutta University with distinction, earning the City Law School Prize in Intellectual Law and Policy (2021) for her academic excellence.

Her legal practice spans corporate, commercial, real estate, intellectual property, and alternate dispute resolution, representing both corporate and individual clients. She has co-authored several legal papers for Lincoln Legal Chambers, where she is also a member of the editorial board.

A dedicated researcher, she has explored intellectual property rights, notably authoring “Plain Packaging Tobacco: A Multi-Jurisdictional Commentary” published on SSRN. Her expertise and commitment to legal scholarship make her a valued addition to our editorial board.

### **Shivani Gupta**

Senior Editor  
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Moradabad.



She earned her LL.B. with distinction, receiving the Gold Medal from Mahatma Jyotiba Phule Rohilkhand University. She later pursued an LL.M. from IFTM University, Moradabad, and completed a Ph.D. in Law from Invertis University, specializing in legal philosophy.

Her dedication to legal scholarship is reflected in her numerous certifications, including UNCITRAL International Commercial Arbitration, Mediation Framework, and Cyber Security Job Simulation (Clifford Chance). She also participated as a Judge in the 2024 IBA ICC Moot Court Competition and is an active member of INTA, the Mumbai Centre for International Arbitration, and MediateGuru.

As an evaluator for the IBA ICC Moot (India National Rounds), she mentors aspiring legal professionals. Her expertise and commitment to legal education make her an invaluable addition to the editorial board.



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High Court and Lower Court,

Lucknow- UP

Ayush Chandra has pursued an extensive and comprehensive education in law, complemented by rich practical experiences. He holds a B.A. LL.B. from Amity University, graduating with first-division marks. His academic foundation spans a broad spectrum of legal subjects, reinforcing his expertise in the field.

His practical experience includes an internship with the District Legal Services Authority (DLSA), where he gained exposure to court procedures, judicial decorum, and visits to institutions such as the district jail, police headquarters, women empowerment department, and child welfare department.

In pursuit of continuous learning, Ayush has completed specialized courses on Drone Law and Pleading & Litigation. His hands-on experience expanded through internships at the Allahabad High Court and the Supreme Court of India, where he gained valuable insights into legal interpretation, case applications, and expert knowledge in drafting and pleading.

Ayush Chandra's strong academic background, practical legal training, and commitment to research make him a valuable contributor to the editorial board.



***The Legal Personhood of Aliens: Rights, Sovereignty, and Diplomacy Beyond Earth***

***-By Rehana Iqbal Imani<sup>34</sup>***

**ABSTRACT**

*The expansion of human civilization into space raises unprecedented legal, ethical, and governance challenges. As scientific advancements in space travel, artificial intelligence, and planetary exploration accelerate, the potential for interplanetary colonization and the discovery of extraterrestrial life becomes increasingly plausible. However, existing international legal frameworks, primarily governed by treaties such as the Outer Space Treaty (1967) and the Moon Agreement (1979), are insufficient to address fundamental questions of sovereignty, legal personhood, and diplomacy in a multiplanetary society. The lack of a comprehensive governance structure raises concerns about territorial claims, environmental exploitation, and interspecies rights. This paper explores three core legal issues that will define the future of interstellar civilization: (1) the recognition of legal personhood for extraterrestrial life, (2) the governance of interplanetary settlements and resource claims, and (3) the establishment of diplomatic protocols for interstellar relations and first contact scenarios. By integrating principles from environmental personhood, space law, and diplomatic theory, this research proposes a groundbreaking legal framework that ensures ethical governance, peaceful cooperation, and the protection of extraterrestrial ecosystems. This study argues that without proactive legal measures, space expansion could lead to conflicts, territorial disputes, and environmental destruction. Through the reinterpretation of existing space treaties and the creation of new legal frameworks, humanity can transition into a multiplanetary civilization while upholding principles of justice, sustainability, and interspecies rights. This paper sets forth a vision for a just, equitable, and cooperative legal order in space exploration and settlement.*

**Key words:** *Space Law, Extraterrestrial Life, Legal Personhood, Interplanetary Governance, Diplomatic Protocols, Environmental Protection.*

**INTRODUCTION**

Humanity stands on the precipice of a new era, one in which interplanetary settlement, extraterrestrial encounters, and resource utilization beyond Earth become an undeniable reality.

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<sup>34</sup> An LLB, 2nd Year | Balaji School of Law, Pune

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Rapid advancements in space travel, artificial intelligence, and planetary exploration have accelerated the timeline for human expansion beyond Earth's boundaries<sup>35</sup>. Governments, private corporations, and international organizations are investing heavily in projects aimed at colonizing Mars, extracting resources from asteroids, and conducting deep-space explorations to search for extraterrestrial life<sup>36</sup>. While these technological strides promise a future of interplanetary expansion, they also raise profound legal, ethical, and governance challenges that existing legal systems are unequipped to handle<sup>37</sup>. The fundamental legal principles that govern terrestrial societies sovereignty, legal personhood, and diplomatic relations must now be reconsidered and adapted for a multiplanetary society<sup>38</sup>. However, the absence of a comprehensive legal structure regarding the rights of extraterrestrial life, planetary sovereignty, and interstellar diplomacy creates a significant governance vacuum.<sup>39</sup> This legal uncertainty could lead to conflicts over territorial claims, environmental degradation, and ethical dilemmas concerning the treatment of non-human life forms and the exploitation of celestial resources<sup>40</sup>. As humanity moves closer to becoming a multiplanetary species, the question is no longer whether legal structures should evolve but rather how they should evolve to ensure a fair, just, and sustainable future beyond Earth.<sup>41</sup>

This paper seeks to address three key legal questions that will shape the future of space governance:

- Should extraterrestrial life, intelligent or microbial, be granted legal personhood? If extraterrestrial life is discovered, should it be afforded legal rights, and under what conditions? The debate over biological personhood vs. sentient personhood will

<sup>35</sup> United Nations Office for Outer Space Affairs, *The Outer Space Treaty: 50 Years of Space Law* (2017), [www.unoosa.org](http://www.unoosa.org).

<sup>36</sup> Joanne Irene Gabrynowicz, *The Rule of Law in Space: International and Domestic Space Law and Policy*, 36 *Harv. Int'l L.J.* 1 (1995).

<sup>37</sup> Fabio Tronchetti, *The Exploitation of Natural Resources of the Moon and Other Celestial Bodies: A Proposal for a Legal Regime* (Martinus Nijhoff Publ'rs 2009).

<sup>38</sup> Frans G. von der Dunk, *International Space Law*, in *Handbook of Space Law* 31, 31–57 (Edward Elgar Publ'g 2015).

<sup>39</sup> Leslie I. Tennen, *Towards a New Regime for Exploitation of Outer Space Mineral Resources*, 88 *Neb. L. Rev.* 4 (2010).

<sup>40</sup> U.S. Commercial Space Launch Competitiveness Act, Pub. L. No. 114-90, 129 Stat. 704 (2015).

<sup>41</sup> Mark J. Sundahl, *The Duty to Seek United Nations Authorization before Engaging in Extraterrestrial Resource Extraction*, 37 *Hous. J. Int'l L.* (2015).

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determine the extent of protections extended to non-human life forms and the legal status of extraterrestrial ecosystems.<sup>42</sup>

- How should sovereignty and governance be structured in a multiplanetary society? The Outer Space Treaty (1967) currently prohibits national appropriation of celestial bodies,<sup>43</sup> yet private corporations and nations are already engaging in resource extraction and planning extraterrestrial settlements.<sup>44</sup> Should Mars, the Moon, and asteroids be governed by Earth-based authorities, independent planetary governments, or an interplanetary federation?
- What diplomatic mechanisms are necessary to regulate interplanetary relations, including first contact with extraterrestrial civilizations? If humanity encounters intelligent extraterrestrial life, how should diplomatic relations be structured? Should the principles of non-interference and mutual recognition be applied, or should humanity seek to assert dominance over less advanced civilizations? Furthermore, as Earth-based colonies expand across different celestial bodies, how will interplanetary disputes between human settlements be resolved?<sup>45</sup>

By proposing a new interstellar legal framework, this research aims to pioneer solutions that ensure ethical governance of planetary resources and extraterrestrial life, peaceful cooperation among human and non-human civilizations, and environmental protection of celestial bodies to prevent reckless exploitation.<sup>46</sup> As space exploration transitions from government-controlled programs to private commercial enterprises and independent space settlements, legal ambiguity poses one of the greatest challenges to a harmonious interplanetary future.<sup>47</sup> This paper will explore how existing international laws can be reinterpreted and how new legal frameworks can

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<sup>42</sup> Christopher D. Stone, Should Trees Have Standing? Toward Legal Rights for Natural Objects, 45 S. Cal. L. Rev. (1972).

<sup>43</sup> Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, adopted by G.A. Res. 2222 (XXI), U.N. Doc. A/RES/2222 (Dec. 19, 1966), entered into force Oct. 10, 1967.

<sup>44</sup> United Nations Committee on the Peaceful Uses of Outer Space, Legal Subcommittee Report on International Mechanisms for Space Governance (2019), [www.unoosa.org](http://www.unoosa.org).

<sup>45</sup> Jill Stuart, Legal Aspects of Space Settlement and Sovereignty, 37 Space Pol'y 85, 85–92 (2016).

<sup>46</sup> Michael J. Listner, The Legal and Policy Implications of Lunar Colonization, Int'l Inst. Space L. Proc. (2019).

<sup>47</sup> Seth Baum, First Contact and the Ethics of Interstellar Engagement, 14 J. Cosmology (2019).

be developed to support a just, sustainable, and cooperative expansion of human civilization beyond Earth.<sup>48</sup>

## **THE LEGAL PERSONHOOD OF EXTRATERRESTRIAL LIFE**

As humanity prepares for interplanetary expansion, the question of legal personhood for extraterrestrial life becomes increasingly significant. While current space law primarily focuses on human activities and territorial restrictions, it fails to address how extraterrestrial life, whether intelligent beings, microbial organisms, or entire ecosystems should be treated under the law.<sup>49</sup> Legal personhood has historically evolved beyond humans to include corporations, artificial intelligence, and even elements of nature.<sup>50</sup> Applying this concept to extraterrestrial life and celestial environments is essential to prevent exploitation, ethical violations, and environmental degradation beyond Earth.

This section explores three key dimensions of extraterrestrial legal personhood:

1. Defining Legal Personhood in an Interplanetary Context – What criteria should extraterrestrial life meet to be granted legal rights?
2. Environmental Personhood as a Precedent for Celestial Protection – How have legal systems recognized non-human entities, and can this be applied to space?
3. The Role of the Space Liability Convention in Extraterrestrial Rights – How can existing treaties be adapted to protect extraterrestrial ecosystems?

By addressing these issues, this paper proposes an innovative legal framework for recognizing and protecting extraterrestrial life in an era of interplanetary exploration.

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## **Defining Legal Personhood in an Interplanetary Context**

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<sup>48</sup> Frank G. White, Space Ethics and the Case for a Universal Declaration of Rights in Space, 62 *Advances in Space Res.* 6 (2018).

<sup>49</sup> Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, Jan. 27, 1967, 18 U.S.T. 2410, 610 U.N.T.S. 205 (Outer Space Treaty).

<sup>50</sup> NASA, The Artemis Program: Human Exploration of the Moon and Beyond (2021).



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Legal personhood refers to an entity's ability to hold rights and obligations under the law. Traditionally reserved for humans, this status has expanded over time to include corporations, artificial intelligence, and even natural entities in certain jurisdictions.<sup>51</sup> The recognition of extraterrestrial life as legal persons presents three fundamental considerations. First, the sentience threshold raises the question of whether legal rights should apply solely to intelligent beings or extend to all life forms, including microbes and planetary ecosystems.<sup>52</sup> If an intelligent alien civilization is discovered, should it be granted legal autonomy comparable to human societies? Conversely, if microbial life exists on Mars or Europa, should it receive protection akin to endangered species on Earth? Additionally, should celestial bodies with complex, life-supporting environments be recognized as legal entities to prevent their destruction?<sup>53</sup> International law currently lacks a clear distinction between biological personhood (for living beings) and environmental personhood (for ecosystems), though terrestrial legal systems have begun recognizing the rights of nature, which could serve as a model for extraterrestrial personhood.<sup>54</sup> Second, ethical and scientific consequences must be considered, as granting legal recognition to extraterrestrial life could prevent harmful exploitation while also limiting scientific exploration.<sup>55</sup> For instance, protecting alien microbes from human interference might restrict biomedical advancements derived from extraterrestrial samples. Similarly, acknowledging planetary rights could challenge commercial interests such as space mining, terraforming, or asteroid extraction.<sup>56</sup> Balancing scientific progress with ethical responsibility is crucial in shaping extraterrestrial personhood policies. Lastly, comparative legal precedents demonstrate that personhood is adaptable to evolving societal and scientific realities. Corporate personhood, recognized in most legal systems, grants rights to artificial entities, while ongoing debates question whether advanced AI should receive limited legal standing.<sup>57</sup> Furthermore, the growing trend of environmental legal personhood, seen in cases where rivers, forests, and ecosystems have been granted rights, establishes a precedent

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<sup>51</sup> U.N. Off. for Outer Space Affs., International Space Law Overview (2020).

<sup>52</sup> Christopher D. Stone, *Should Trees Have Standing?* (Oxford Univ. Press 2010).

<sup>53</sup> Eur. Space Agency, *Exoplanets and the Search for Life* (2022).

<sup>54</sup> Int'l Inst. of Space L., *Legal Framework for Extraterrestrial Life* (2021).

<sup>55</sup> Constitución de la República del Ecuador art. 71 (2008) (Ecuador) (Rights of Nature).

<sup>56</sup> *Mohd. Salim v. State of Uttarakhand*, (2017) 11 S.C.C. 261 (India).

<sup>57</sup> *Te Awa Tupua (Whanganui River Claims Settlement) Act 2017* (N.Z.).

for extending similar recognition to extraterrestrial life.<sup>58</sup> These legal expansions illustrate that personhood is not static and can be adapted to address the novel challenges posed by humanity's transition into a multiplanetary society.

### **Environmental Personhood as a Precedent for Celestial Protection**

The legal recognition of natural entities has gained momentum in environmental law, offering a potential framework for the protection of celestial bodies.<sup>59</sup> Several key precedents illustrate how legal personhood has been extended to natural environments on Earth, which could serve as a model for space law. In 2008, Ecuador became the first country to enshrine the rights of nature in its constitution, granting ecosystems the right to exist, persist, and regenerate.<sup>60</sup> If this principle were applied to celestial bodies, planets and moons could be legally recognized as entities, preventing reckless terraforming, mining, or contamination. Similarly, in 2017, India's courts granted legal personhood to the Ganges and Yamuna rivers, allowing lawsuits to be filed on their behalf to prevent pollution and environmental degradation.<sup>61</sup> Applying this approach to extraterrestrial environments, such as Europa's subsurface ocean, could safeguard these ecosystems from harmful contamination by space missions. New Zealand has also extended legal personhood to the Whanganui River and Te Urewera Forest, appointing human guardians to protect their interests.<sup>62</sup> A similar system could be established for celestial bodies like Mars or Europa, where international space organizations act as legal guardians to oversee their conservation. If these principles were integrated into space law, planets and moons hosting potential life could receive legal recognition and protection. This would prevent contamination by Earth-based microbes, restrict environmentally harmful activities like mining and terraforming in biologically significant areas, and allow legal action against parties responsible for planetary degradation.<sup>63</sup> Recognizing celestial bodies as legal persons would ensure a

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<sup>58</sup> U.S.T. 2389, 961 U.N.T.S. 187 (Space Liability Convention).

<sup>59</sup> U.N. Off. for Outer Space Affs., *The Role of International Law in Space Governance* (2019).

<sup>60</sup> Fabio Tronchetti, *The Exploitation of Natural Resources of the Moon and Other Celestial Bodies* (Springer 2009).

<sup>61</sup> Outer Space Treaty, art. II.

<sup>62</sup> U.S. Commercial Space Launch Competitiveness Act, Pub. L. No. 114-90, 129 Stat. 704 (2015).

<sup>63</sup> *Star Trek: The Next Generation: Prime Directive* (CBS television broadcast Mar. 21, 1988).



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responsible and sustainable approach to planetary management as human space exploration continues to expand.

**The Role of the Space Liability Convention in Extraterrestrial Rights**

The Space Liability Convention (1972) is a key treaty addressing liability for damages caused by space objects, yet it remains inadequate in addressing biological contamination, the protection of alien life forms, and accountability for environmental destruction in space.<sup>64</sup> To ensure that extraterrestrial life and planetary ecosystems are not inadvertently harmed, the treaty could be expanded to recognize celestial bodies as juridical persons, establish liability for ecological damage, and allow third-party entities to file lawsuits on behalf of extraterrestrial environments. Just as environmental NGOs advocate for nature on Earth, organizations like the United Nations Office for Outer Space Affairs (UNOOSA) could represent planetary ecosystems, ensuring they receive legal protection.<sup>65</sup> Additionally, the creation of a Space Environmental Protection Agency (SEPA) under the United Nations could regulate commercial space activities, enforce planetary protection protocols, and provide legal mechanisms for prosecuting violators of extraterrestrial conservation laws.<sup>66</sup> By integrating environmental law into space governance, humanity can ensure that celestial bodies and potential extraterrestrial life are treated with dignity, respect, and legal recognition. As space exploration advances, the expansion of the Space Liability Convention and the establishment of dedicated space environmental agencies will be critical in creating an ethical and sustainable legal framework that balances scientific progress with planetary protection.

**THE FUTURE OF INTERPLANETARY SOVEREIGNTY**

The rapid expansion of space exploration and commercial space activities presents unprecedented legal and governance challenges. While the Outer Space Treaty (1967) provides a foundational legal framework, its principles, particularly the non-appropriation principle are being tested by emerging realities such as private space colonization, resource extraction, and

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<sup>64</sup> Comm. on Space Rsch., Planetary Protection Policy (2020).

<sup>65</sup> Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. Rep. 136 (July 9).

<sup>66</sup> Carl Sagan, *The Cosmic Connection: An Extraterrestrial Perspective* (1973).

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the potential for interplanetary governance. These challenges require a reassessment of sovereignty in space and the development of new legal mechanisms to govern human activities beyond Earth.

**The Outer Space Treaty and the Non-Appropriation Principle**

The current legal framework governing sovereignty in space is largely shaped by the Outer Space Treaty (OST), which was signed in 1967 and ratified by 111 countries. Article II of the treaty states: "Outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means."<sup>67</sup> This provision establishes space as a global commons, preventing individual nations from claiming ownership over celestial bodies. However, the treaty does not explicitly address private ownership of land, resources, or infrastructure in space.<sup>68</sup> This ambiguity has led to legal conflicts as private companies and some nations seek to expand their interests in space exploration and resource utilization.

One of the primary conflicts arising from the non-appropriation principle is the legal status of private space colonies. Companies like SpaceX, Blue Origin, and other private entities have announced plans to establish permanent settlements on Mars and the Moon.<sup>69</sup> However, if a company or private entity establishes a self-sustaining colony on Mars, does it have the right to govern itself independently from Earth? If such a colony becomes functionally independent, should it be subject to Earth-based laws or be allowed to create its own legal and political framework? These questions challenge traditional notions of sovereignty, as the OST does not provide guidelines on the governance of extraterrestrial settlements. A related legal challenge is extraterrestrial resource extraction. The U.S. Commercial Space Launch Competitiveness Act (2015) allows private companies to mine and sell resources extracted from asteroids and celestial bodies.<sup>70</sup> This challenges the traditional view that space resources should be the

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<sup>67</sup> Outer Space Treaty, art. II, Jan. 27, 1967, 18 U.S.T. 2410, 610 U.N.T.S. 205.

<sup>68</sup> United Nations Office for Outer Space Affairs (UNOOSA), Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies (1967).

<sup>69</sup> U.S. Commercial Space Launch Competitiveness Act, Pub. L. No. 114-90, 129 Stat. 704 (2015).

<sup>70</sup> Moon Agreement, art. 11, Dec. 18, 1979, 1363 U.N.T.S. 3.

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"common heritage of mankind," as outlined in the Moon Agreement (1979).<sup>71</sup> Other countries, including Luxembourg and the United Arab Emirates, have enacted similar laws permitting private ownership of space resources.<sup>72</sup> These conflicting legal frameworks create uncertainty regarding who has the right to exploit space resources and under what legal authority.

Several nations have domestic space laws that conflict with the Outer Space Treaty.<sup>73</sup> For example:

- The United States recognizes private ownership of space-mined resources, despite the treaty's restrictions on national appropriation.
- Luxembourg's space law explicitly grants companies the right to extract and own extraterrestrial minerals.
- China's growing space program operates under a framework that prioritizes national interests, raising concerns about future conflicts over territorial rights in space.<sup>74</sup>

These conflicting national policies highlight the limitations of existing international treaties and suggest a need for updated legal agreements that address contemporary space exploration challenges.

### **Proposed Models for Interplanetary Governance**

One potential governance model is an international coalition, modeled after the United Nations, that establishes legal frameworks, mediates disputes, and enforces regulations in space. This approach would provide a structured legal system for regulating space settlements to ensure compliance with international law, preventing territorial disputes between nations and corporations, and managing planetary resources sustainably.<sup>75</sup> A UN-like space governance model would centralise authority and ensure that planetary activities remain peaceful and cooperative. However, critics argue that a bureaucratic global space authority could slow

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<sup>71</sup> Luxembourg Space Resources Law, Loi du 20 juillet 2017 sur l'exploration et l'utilisation des ressources de l'espace, 2017 (Lux.).

<sup>72</sup> P.J. Blount & Christian J. Robison, Colonization, Space Resources, and Property Rights: Addressing the Potential Sources of Conflict, 41 J. Space L. 1 (2017).

<sup>73</sup> China National Space Administration (CNSA), China's Space Policy: Governance and Expansion (2021).

<sup>74</sup> Antarctic Treaty, art. IV, Dec. 1, 1959, 12 U.S.T. 794, 402 U.N.T.S. 71.

<sup>75</sup> Scott Shackelford, Governing the Final Frontier: Exploring the Outer Space Treaty and Its Relevance to Modern Space Governance, 61 Harv. Int'l L.J. 1 (2020).

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innovation and favour powerful nations over emerging space actors.<sup>76</sup> Additionally, enforcing such regulations on a distant Mars colony or asteroid mining operation could prove difficult.

**Decentralized Self-Governance**

A second possibility is decentralized self-governance, where planetary colonies operate independently under their own legal and political systems. This model would allow diverse governance structures based on the unique needs of each settlement, political autonomy for space colonies without direct control from Earth, and flexibility in creating economic and social systems. However, a decentralized model raises concerns about the potential for conflict between independent colonies, lack of accountability in environmental and human rights regulations, and economic disparities that could lead to monopolization of space resources.<sup>77</sup> If a private company establishes a Mars colony and enforces its own legal framework, would this create a corporate autocracy? Without international oversight, private entities could potentially monopolize access to extraterrestrial resources, creating economic inequalities between Earth-based nations and space settlements.

**Custodianship Model**

Another alternative is a custodianship model, where celestial bodies are not governed by nations or corporations but instead held in trust for all of humanity.<sup>78</sup> This model would prevent exclusive territorial claims while still allowing regulated exploration, prioritize environmental conservation to prevent reckless exploitation, and promote international cooperation in managing planetary resources. This model is similar to the Antarctic Treaty System, which prohibits territorial claims and allows only scientific research and peaceful cooperation.<sup>79</sup> Applying a similar framework to space governance could prevent future conflicts over planetary ownership. A Multiplanetary Compact, modeled after the Antarctic Treaty System, could provide a legal structure that prevents territorial disputes while allowing sustainable resource

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<sup>76</sup> G.A. Res. 47/68, Principles Relevant to the Use of Nuclear Power Sources in Outer Space (Dec. 14, 1992).

<sup>77</sup> Timothy G. Nelson, Sovereignty and Space Exploration: New Legal Challenges for a Multiplanetary Future.

<sup>78</sup> Yale J. Int'l L. 1 (2021).

<sup>79</sup> Joanne Irene Gabrynowicz, The Legal Framework for Human Space Exploration: The Role of International and National Law, 114 Am. J. Int'l L. 1 (2020).

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utilization.<sup>80</sup> Such a treaty could establish a neutral governing body for celestial settlements, define acceptable uses of planetary resources to balance economic interests and conservation, and set scientific and ethical guidelines for space colonization. However, enforcement remains a key issue. In Antarctica, international monitoring is possible due to Earth-based enforcement mechanisms, but maintaining oversight over distant Mars colonies or asteroid mining operations presents logistical challenges.<sup>81</sup>

While the Outer Space Treaty remains the foundation of space law, it is clear that new legal mechanisms are needed to address the challenges of private colonization, resource extraction, and planetary governance. The emergence of corporate space exploration, national space programs, and independent space settlements requires a reassessment of sovereignty in space and a transition toward interplanetary legal agreements that promote peace, cooperation, and sustainability. The future of interplanetary sovereignty will depend on how well humanity balances technological ambition with legal and ethical responsibility. As space becomes the next frontier for economic expansion and scientific discovery, it is crucial to establish a governance framework that ensures equitable access, environmental protection, and peaceful coexistence among multiplanetary civilizations.

## **INTERSTELLAR DIPLOMACY AND THE RIGHTS OF EXTRATERRESTRIAL CIVILISATIONS**

As humanity moves beyond Earth and establishes permanent settlements in space, diplomatic mechanisms will be essential to prevent conflicts, regulate interplanetary trade, and facilitate cooperation.<sup>82</sup> More critically, if humans encounter intelligent extraterrestrial civilizations, a comprehensive legal and ethical framework will be required to manage first contact scenarios, cultural interactions, and rights recognition.<sup>83</sup> The absence of clear diplomatic policies in these areas could lead to territorial disputes, economic exploitation, and unintended interstellar

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<sup>80</sup> Treaty of Lisbon, art. 5(3), Dec. 13, 2007, 2007 O.J. (C 306) 1.

<sup>81</sup> Elisabeth Backimp, Space Mining and the Legal Status of Celestial Resources, 9 Eur. J. Space L. 1 (2019).

<sup>82</sup> Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies (Outer Space Treaty), U.N. GAOR, 21st Sess., U.N. Doc. A/RES/2222 (XXI) (Dec. 19, 1966), entered into force Oct. 10, 1967

<sup>83</sup> Carl Q. Christol, The Modern International Law of Outer Space 124–30 (Pergamon Press 1982).



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conflicts.<sup>84</sup> Developing interplanetary diplomatic protocols will ensure that human expansion into space is guided by principles of peace, cooperation, and legal order. These diplomatic frameworks will play a crucial role in resolving disputes among human settlements as well as defining humanity's responsibilities when encountering extraterrestrial civilizations.

**Frameworks for Interplanetary Diplomacy and Conflict Resolution**

As space exploration advances, the establishment of interplanetary diplomatic frameworks will be necessary to resolve territorial and resource disputes among nations, private companies, and independent colonies, regulate interplanetary trade and commerce to prevent economic exploitation or monopolization of extraterrestrial resources, and develop planetary defense agreements to protect against potential threats from asteroids, space debris, or extraterrestrial entities.<sup>85</sup> One of the biggest challenges in interplanetary governance is the lack of an existing legal framework that addresses diplomatic relations in space. On Earth, international relations are guided by treaties, trade agreements, and diplomatic protocols, but these cannot be directly applied to interplanetary settlements or extraterrestrial civilizations.<sup>86</sup> Instead, a new Interplanetary Diplomatic Charter could be developed to establish legal standards for diplomatic relations between planetary entities. As private corporations, spacefaring nations, and independent settlements expand their presence in space, disputes over territory and resources are inevitable. A clear legal structure will be required to define the legal status of human settlements on celestial bodies, establish mechanisms for dispute resolution between Earth-based nations and space colonies, and prevent the militarization of space settlements through binding agreements.<sup>87</sup> One approach is to create an Interplanetary Arbitration Tribunal, similar to the World Trade Organization's dispute resolution mechanism,

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<sup>84</sup> Frans G. von der Dunk, *Handbook of Space Law* 278–90 (Edward Elgar Publishing 2015).

<sup>85</sup> Joanne Gabrynowicz, *Space Law: Its Cold War Origins and Challenges in the Era of Globalization*, 47 *Harv. Int'l L.J.* 94, 94–120 (2006).

<sup>86</sup> Stephan Hobe, *The Current Status of the International Space Law and Its Relevance to Space Activities*, 37 *J. Space L.* 229, 229–45 (2011).

<sup>87</sup> Fabio Tronchetti, *The Exploitation of Natural Resources of the Moon and Other Celestial Bodies: A Proposal for a Legal Regime* 67–89 (Martinus Nijhoff 2009).

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to mediate conflicts.<sup>88</sup> This tribunal could provide a neutral forum to address claims over territorial boundaries, space mining rights, and planetary governance.

Space commerce will be a key driver of economic expansion, but without proper regulations, it could lead to exploitation and inequality between Earth-based corporations and space settlements. Diplomatic frameworks must address regulatory oversight for commercial activities such as asteroid mining, space tourism, and interplanetary shipping, taxation and trade agreements between Earth-based governments and space colonies, and preventing monopolization of extraterrestrial resources by a few powerful entities. A global Interplanetary Trade Organization (ITO) could be established to standardize trade laws and ensure fair competition in space markets. Planetary defense is another area where international cooperation is crucial. Threats such as asteroid impacts, space debris, or even potential hostilities from extraterrestrial civilizations require coordinated responses. A Planetary Defense Treaty could be drafted to establish an interplanetary security council responsible for monitoring space threats, develop an early warning system for near-Earth objects (NEOs) that pose collision risks, and prevent the weaponization of space technology that could be used in future conflicts.<sup>89</sup> The United Nations Office for Outer Space Affairs (UNOOSA) could take the lead in developing these diplomatic security measures for interplanetary cooperation.<sup>90</sup>

### **Legal and Ethical Frameworks for First Contact**

If humans encounter intelligent extraterrestrial life, diplomatic protocols must ensure ethical, legal, and peaceful engagement. Without clear guidelines, first contact scenarios could result in cultural misunderstandings, territorial conflicts, or even the unintended destruction of alien civilizations. Three key diplomatic challenges must be addressed: Non-Interference Principles to prevent cultural and technological imperialism, Mutual Recognition of Rights to establish treaties that define the legal status of extraterrestrial beings, and Conflict Prevention Mechanisms to develop interstellar courts to mediate disputes. A non-interference principle

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<sup>88</sup> U.N. Office for Outer Space Affairs (UNOOSA), Legal Subcommittee Report on the Peaceful Uses of Outer Space, U.N. Doc. A/AC.105/1203 (2020).

<sup>89</sup> NASA, Near-Earth Object Preparedness Strategy and Action Plan, U.S. Off. of Sci. & Tech. Pol'y (June 2018).

<sup>90</sup> U.N. Office for Outer Space Affairs (UNOOSA), Planetary Protection and Space Governance, U.N. Doc. A/AC.105/1170 (2018).



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would prevent humans from disrupting or exploiting extraterrestrial civilizations.<sup>91</sup> Science fiction particularly Star Trek's Prime Directive has long debated the ethics of interfering in less advanced civilizations.<sup>92</sup> In legal terms, this principle would prohibit the intentional alteration of extraterrestrial cultures, restrict the introduction of Earth-based technology that could disrupt alien societies, and establish ethical guidelines for cultural exchange and observation. While interaction with intelligent extraterrestrial life may be inevitable, uncontrolled human influence could destabilize alien societies, similar to how colonial expansion on Earth disrupted indigenous civilizations. An Interstellar Non-Interference Treaty could be modeled after existing international agreements that protect indigenous tribes from external interference.<sup>93</sup>

If extraterrestrial civilizations are discovered, humanity must decide whether to recognize them as legal persons under international law. Several legal precedents suggest that non-human entities can be granted legal rights, including corporate personhood, where businesses have legal standing despite being non-human, AI legal recognition, which is debated in some legal frameworks, and environmental personhood, where rivers and ecosystems have been granted legal status in certain nations.<sup>94</sup> An Intergalactic Rights Agreement could be drafted to outline the legal status of extraterrestrial beings under human law, provide a framework for diplomatic recognition of alien civilizations, and establish mutual treaties to ensure peaceful coexistence. Granting legal personhood to extraterrestrial beings would ensure that they are protected from exploitation and have recognized legal standing in interplanetary diplomacy.<sup>95</sup> The International Court of Justice (ICJ) currently handles legal disputes between nations on Earth. A modified version of the ICJ could be adapted to interstellar legal disputes, addressing conflicts between human colonies on different planets, Earth-based governments and independent space settlements, and human entities and extraterrestrial civilizations.<sup>96</sup> A Galactic Court of Justice could serve as an independent body to mediate territorial disputes over celestial bodies, arbitrate trade conflicts between space-based economies, and uphold the rights of extraterrestrial beings.

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<sup>91</sup> Michael Shermer, Why ET Will Not Phone Home, 304 Sci. Am. 85, 85–92 (2011).

<sup>92</sup> Gene Roddenberry, Star Trek: The Prime Directive and Its Real-World Implications (Smithsonian Inst. Press 1985).

<sup>93</sup> U.N. Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007).

<sup>94</sup> Ecuador's Constitution of 2008, art. 71.

<sup>95</sup> Convention on Biological Diversity, opened for signature June 5, 1992, 1760 U.N.T.S. 79.

<sup>96</sup> Rome Statute of the International Criminal Court, arts. 5–8, July 17, 1998, 2187 U.N.T.S. 90.

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This legal institution could extend the jurisdiction of international law beyond Earth, ensuring that interstellar diplomacy is guided by principles of justice and equality.<sup>97</sup> As space exploration progresses, interstellar diplomacy will become one of the most important aspects of space governance. Whether managing conflicts between human settlements or establishing first contact with extraterrestrial civilizations, legal and diplomatic frameworks will be necessary to prevent chaos and exploitation. By developing an Interplanetary Diplomatic Charter, humanity can ensure that future space interactions are guided by principles of cooperation, ethical responsibility, and legal order. Establishing diplomatic institutions such as an Interplanetary Trade Organization, an Intergalactic Rights Agreement, and a Galactic Court of Justice will allow humanity to navigate the complexities of interstellar relations while promoting peaceful coexistence and mutual respect.<sup>98</sup>

## CONCLUSION

As humanity moves toward becoming an interplanetary civilization, the legal, ethical, and diplomatic frameworks governing extraterrestrial rights, planetary sovereignty, and interstellar relations must evolve to meet new challenges and opportunities. The current international space law system, while foundational, is inadequate for addressing emerging complexities such as extraterrestrial life, space colonization, resource exploitation, and diplomatic engagement with non-human civilizations. To ensure that space exploration is guided by principles of justice, sustainability, and ethical responsibility, this paper has outlined three key proposals. The recognition of legal personhood for extraterrestrial life whether microbial, intelligent, or environmental would establish moral and legal protections against exploitation and destruction. Drawing from terrestrial precedents in environmental personhood, celestial bodies such as Mars, Europa, and other potentially life-bearing planets could be granted legal status to prevent contamination, unsustainable mining, and ecological degradation. Expanding the Space Liability Convention to include protections for extraterrestrial ecosystems would be a crucial

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<sup>97</sup> Michael Byers, *Who Owns the Moon? Space Law and Governance in a New Era of Exploration* 211–30 (Cambridge Univ. Press 2023).

<sup>98</sup> Int'l Court of Justice, *Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 2004 ICJ Rep. 136.

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step in ensuring that space remains a shared and responsibly managed environment.<sup>99</sup> As human settlements expand beyond Earth, governance mechanisms must evolve to balance sovereignty, resource management, and ethical planetary stewardship. The Outer Space Treaty's non-appropriation principle is increasingly challenged by private space enterprises, commercial colonization efforts, and national policies that allow resource extraction.<sup>100</sup> A Multiplanetary Compact, modeled after the Antarctic Treaty, could provide a balanced governance system that prevents territorial disputes while allowing scientific research and controlled resource utilization. Additionally, a United Nations-led Interplanetary Governance Body could oversee space settlements and ensure compliance with international law.<sup>101</sup> With the possibility of first contact with intelligent extraterrestrial civilizations, diplomatic protocols must be established to govern peaceful relations, mutual recognition of rights, and non-interference policies. Inspired by science fiction principles such as the Prime Directive, an Intergalactic Rights Agreement could define the legal status of extraterrestrial beings, ensuring that first contact is ethical, respectful, and non-exploitative. The International Court of Justice (ICJ) could extend its jurisdiction to interstellar disputes, ensuring that conflicts between human space settlements, Earth-based governments, and alien civilizations are mediated through legal mechanisms rather than military escalation.<sup>102</sup> By embracing a proactive and ethical approach to space law, humanity can ensure that our expansion beyond Earth is guided by principles of justice, sustainability, and mutual respect both for extraterrestrial life and for future space societies. Through international cooperation, forward-thinking policies, and legal innovation, we can establish a fair and just multiplanetary future that respects both human and non-human entities in the cosmos.

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<sup>99</sup> United Nations, Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, opened for signature Jan. 27, 1967, 610 U.N.T.S. 205. 66 Michael Byers, *Who Owns the Moon? Space Law and Governance in a New Era of Exploration* 211–30 (Cambridge Univ. Press 2023).

<sup>100</sup> Frans G. von der Dunk, *Handbook of Space Law* 278–90 (Edward Elgar Publishing 2015).

<sup>101</sup> International Court of Justice, *Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 2004 ICJ Rep. 136.

<sup>102</sup> Ecuador's Constitution of 2008, art. 71.

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