

[DOI: 10.20472/IAC.2016.022.042](https://doi.org/10.20472/IAC.2016.022.042)

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DELIMITING THE OUTER SPACE

Abstract:

Though science fiction authors have dreamed of permanent space colonies for decades, humans have not walked the surface of another celestial body since Apollo 17 left the moon in December, 1972. Today, however, the possibility of leaving Earth's orbit for long duration missions is looking brighter. With newcomers like China and India, established spacefarers like the United States and Russia, and a host of private corporations contemplating establishing habitats on the moon or Mars, it is important to consider the extent to which such celestial bodies may be used. In this paper, I examine the fine line between long-term use of outer space and appropriation. First, I consider the concept of "appropriation" as it has been interpreted by scholars and commentators. Second, I argue that the geosynchronous orbit ("GSO") provides an analogy for thinking about permissible occupancy and use of man-made structures on the surface of the moon or other celestial bodies, both with respect to the custom that has developed over the use of orbital slots and as a possible regulatory scheme for allocating real property in outer space. Third, I apply this analogy of the GSO to delimit the extent of allowed uses of such areas, both temporally and spatially.

Keywords:

permissible occupancy, celestial bodies, regulatory scheme

JEL Classification: K33, K20, K30