

# Cultural Heritage in Outer Space: Identifying International Legal Principles that Define and Promote its Safeguarding within a Space Law Framework

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*For All Moonkind  
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## LEGAL DIRECTIVE TO STUDY AND SAFEGUARD CULTURAL HERITAGE BEYOND EARTH

*COPUOS 59<sup>th</sup> Session:*

- *Determined that **legal and institutional initiatives needed** to ensure international space law is a relevant part of global space governance in the 21st century*
- *Mandated its Legal Subcommittee to promote the progressive development of the law by **identifying areas that may require additional regulation***

*Space 2030 Agenda does not include cultural heritage, but including it could:*

- *Support the Legal Subcommittee's aforementioned mandate*
- **Advance three UNISPACE+50 thematic priorities**
  - *the legal regime of outer space and global space governance*
  - *enhanced information exchange on space objects and events*
  - *capacity-building for the twenty-first century*

## HARMONIZATION OF UN SPACE AND CULTURAL HERITAGE TREATY REGIMES

*Establishing a legal framework to regulate outer space cultural heritage falls at the **junction of the United Nations' mandates** to its*

- *Space auspice to **study the nature of such legal problems which may arise from the exploration of outer space***
- *Cultural auspice to assure the conservation and **protection of the world's inheritance***

*A broad multilaterally negotiated space law instrument would:*

- **Enhance the synergy and efficiency** *between UN bodies and their legal frameworks*
- **Achieve international co-operation in solving an international problem of a cultural character** *while harmonizing the actions of nations in the attainment of this common end*



## REMEDYING A GROWING LACUNA IN SPACE LAW

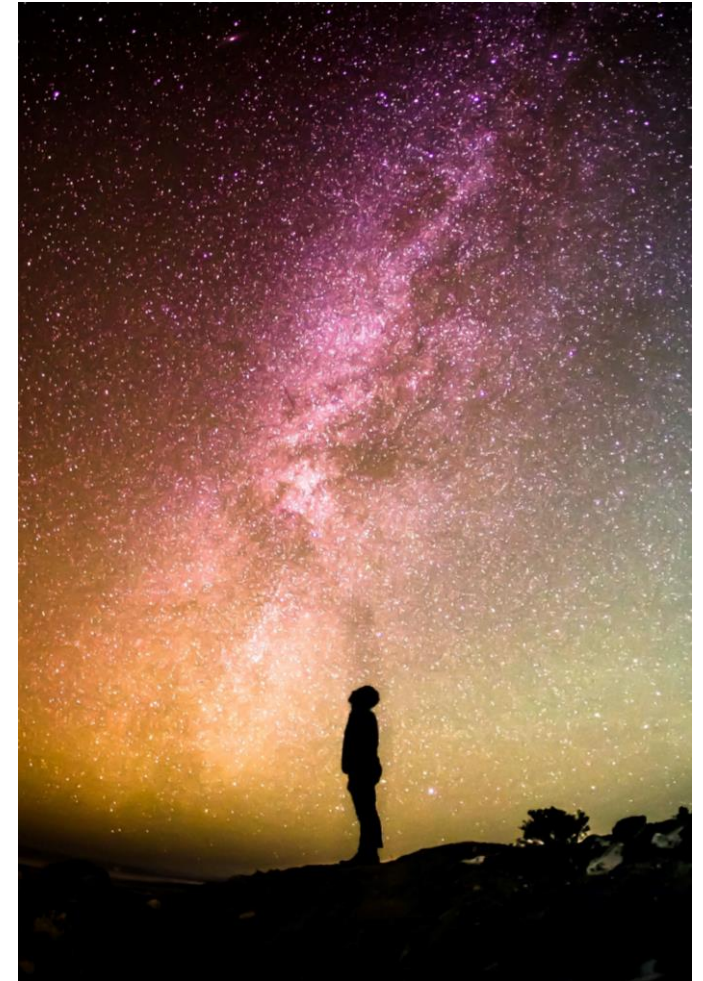
*Our further, even yet unimaginable **progress in the exploration and use of outer space** will continue to bear a **greater quantity and diversity of cultural heritage**. A legal regime to regulate its increasing discernibility and inherent vulnerability would remedy a growing lacuna in space law.*





## MEETING A GROWING PUBLIC INTEREST IN CULTURAL HERITAGE BEYOND EARTH

A **legal regime to regulate the safeguarding of outer space cultural heritage** *would meet a growing public interest and appreciation for it as a means of contemporaneous identity and inspire more of civil society to partake in space endeavors that could improve the quality of human life.*



## AN EVOLUTION OF THE UNITED NATIONS TREATY REGIME

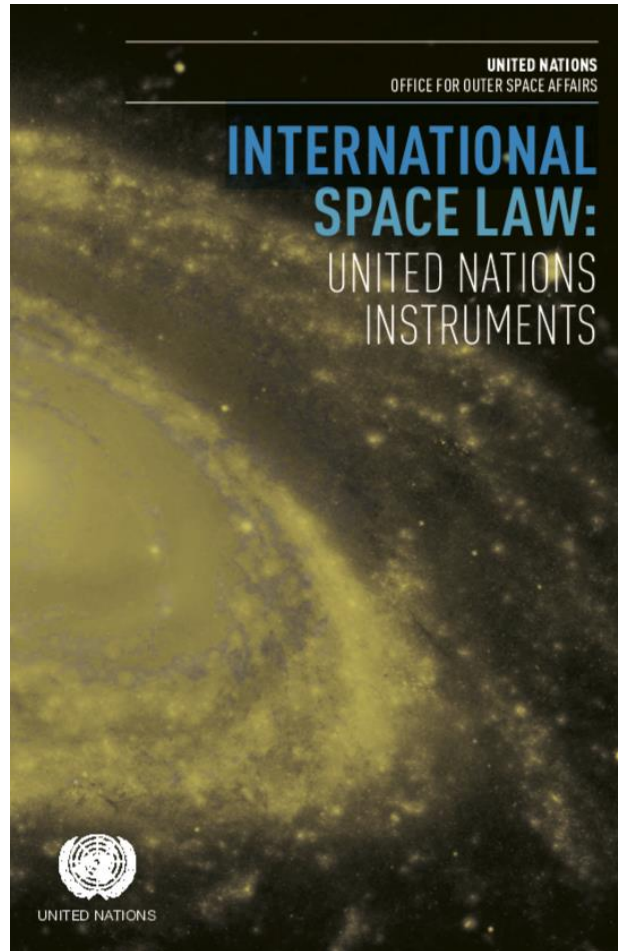
*The **initial approach** to identifying **landing sites and objects on the Moon** is consistent with the evolution of UN cultural heritage law, however, they are **only a fraction of** what may come to be defined as **cultural heritage** that will need to be regulated **beyond Earth**.*

*As our appreciation of heritage matured, however, **heritage legal theory evolved**.*

*Each successive UN cultural heritage treaty was established to supplement the preceding treaties in order to **meet** a then contemporaneous and **growing appreciation for heritage** and to **support the evolving practice of international law**.*



## EXPANSION OF CULTURAL HERITAGE BEYOND EARTH



Considering the **expansion of cultural heritage into an extraterrestrial medium** and in view of such progression of UN treaty law, a broad multilateral **space law instrument framed with cultural heritage law principles**, interpreted and applied in the context of and in a manner consistent with the UN space treaties, might effectively identify and safeguard heritage wherever beyond Earth it may be in its **tangible or intangible manifestations**.

Such instrument should **not prejudice the rights, jurisdiction and duties of States under the UN space treaties**.

## BROAD MULTILATERAL SPACE LAW INSTRUMENT TO REGULATE CULTURAL HERITAGE

*A broad multilaterally negotiated space law instrument could **enable civil society** to exercise their right to **participate in** the cultural life expressed by the **exploration of outer space** and to **share in its scientific advancement and benefits.***

*Before our physical presence in outer space, its intangible cultural utilization had historically spurred a much wider breadth of heritage, which **communities throughout the world** are deliberating over how to **obtain legal standing** to timely negotiate means to **define and safeguard it.***

*There is an obligation to ensure, with due respect for the culture of such communities, the **just treatment of their interests within the UN system.***





## CULTURAL HERITAGE SEGMENTS



In a plethora of cultures over millennia, humans have sought to understand and explore the Universe, **building upon our collective knowledge, advancing our technological capacities and increasing our physical and emotional ability to adapt longer and farther beyond Earth.** It is through this **cultural mechanism**, one of the mainsprings of development, galvanized by compounding individual segments that outer space cultural heritage originated. The evolution of these segments **reflects human history on Earth** and continues to **mark our trajectory beyond it.**

## DUE REGARD

**Legal qualification** for outer space cultural heritage **should reflect contributions** to space exploration **by:**

- **Spacefaring States**
- **Non-spacefaring States** that have facilitated space exploration by spacefaring States
- **Pre-colonialized and ancient societies** existing, or having existed, within the territories of modern States

Establishing **a place in space law for contributions** by cultures over human history **can:**

- **Mitigate perceived disparities** in national contributions to space exploration
- Yield a **more accurate understanding** of what cultural heritage in outer space is
- **Make allowance for legal standing** with a wider diversity of States to participate in negotiating rules to participate in its safeguarding
- Secure a **more legally effective and diplomatically satisfactory safeguarding mechanism**
- **Promote sustainability** for living in inclusive and peaceful societies

## ***PROPOSED WORKING LEGAL DEFINITION*** **FOR CULTURAL HERITAGE EXISTING OR MANIFESTED BEYOND EARTH**

1. *“Outer Space Cultural Heritage” means traces of human existence, together with their archaeological and natural contexts that occur in outer space, including on the Moon and other celestial bodies.*
2. *Outer Space Cultural Heritage having a significant cultural, historical, archaeological, or other scientific character may include:*
  - a) *objects, structures and cultural spaces;*
  - b) *a first achievement of its kind that resulted directly or indirectly from human ingenuity over broad historical periods and between diverse cultural groups, and which has had a significant impact on human space exploration;*
  - c) *human engineered methods permitting travel, human life, community and communication beyond Earth;*
  - d) *practices, expressions, knowledge and skills that humans create in response to, and in interaction with, their extraterrestrial environment and which give them a shared sense of humanity and continuity with life on Earth; and*
  - e) *symbolic markers in an extraterrestrial context that originate from and express human identity.*

## PRINCIPLES

*A new space law instrument should integrate UN cultural heritage principles.*

*Potential principles might include that:*

- *Cultural heritage beyond Earth is:*
  - **Holistic** *in its tandem reliance on tangible & intangible elements*
  - **Non-hierarchical** *in that the value of elements is equally important to the groups who have a connection to it*
  - **Not static**, *but constantly evolving*
- **Communities are stakeholders** *who create, maintain & transmit it*
- *States with a **verifiable link**, especially a cultural, historical, archaeologic, scientific or technological link, to the heritage concerned may declare an interest in being consulted on how to ensure its safeguarding*
  - *Such **mechanism of notification and consultation** could be supported by and in turn strengthen that already established in space law*



## DOMAINS

We might use domains to categorize the diverse manifestations of heritage. The **domains would include intangible and tangible elements, such as instruments, objects, artifacts and cultural spaces, or sites, located beyond Earth.**

*Potential domains might include:*

- **Knowledge and practices concerning nature and our interaction with the Universe** *that have been vital to our ability to exist beyond Earth*
- **Social practices, rituals and festive events** *comprising ongoing cultural practices performed beyond Earth by humans and/or in collaboration with humans on Earth*
- **Expressions, including language, as a vehicle and manifestation of culture** *beyond Earth*



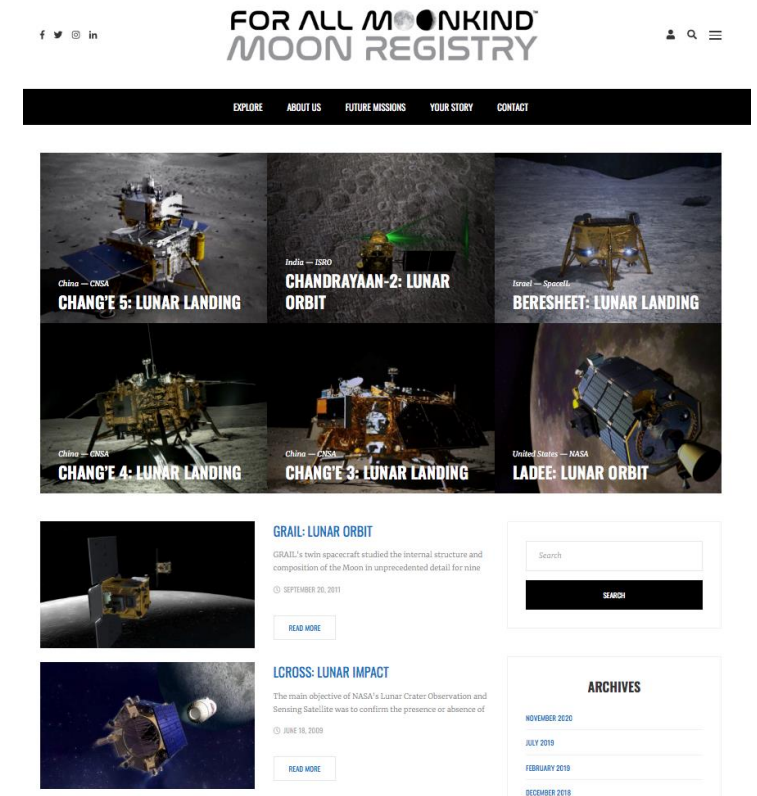
# CULTURAL HERITAGE REGISTRIES

*Cultural heritage registries established under a new space law instrument could:*

- **Facilitate a legal mechanism to:**
  - **memorialize** *its intangible & tangible elements*
  - **physically protect and preserve** *its tangible elements*
- *Ensure the most effective means to safeguard it for a greater aggregate of humanity*

*Potential registries might include a:*

- *List of **Intangible** Outer Space Cultural Heritage*
- *List of **Tangible** Outer Space Cultural Heritage*
  - *Example: For All Moonkind Moon Registry*
- *List of Outer Space Cultural Heritage **in Danger***



## TANGIBLE CULTURAL HERITAGE

While beyond Earth, **tangible heritage** would require a **special legal status** under international law that should be **developed in deference to existing space laws**, which currently do not provide any such rights or obligations to safeguard it. Such rights or obligations should, nonetheless, defer to rights of control, ownership and liability consistent with existing space, property, and or intellectual property law, thereby, **providing legal certainty and predictability for spacefaring actors.**





# SAFEGUARDING THE INTANGIBLE CHARACTER OF CULTURAL HERITAGE

*Rules solely to protect from physical interference with cultural heritage are insufficient. Its **intangible character must be safeguarded to facilitate the widest possible participation of communities to create, maintain and transmit it.***



United Nations

International Day of Human Space Flight  
12 April

PHOTO: UN and Roscosmos

## The beginning of the space era for mankind

The General Assembly, in its resolution A/RES/65/271 of 7 April 2011, declared 12 April as the International Day of Human Space Flight "to celebrate each year at the international level the beginning of the space era for mankind, reaffirming the important contribution of space science and technology in achieving sustainable development goals and increasing the well-being of States and peoples, as well as ensuring the realization of their aspiration to maintain outer space for peaceful purposes."

12 April 1961 was the date of the first human space flight, carried out by Yuri Gagarin, a Soviet citizen. This historic event opened the way for space exploration for the benefit of all humanity.

The General Assembly expressed its deep conviction of the common interest of mankind in promoting and expanding the exploration and use of outer space, as the province of all mankind, for peaceful purposes and in continuing efforts to extend to all States the benefits derived there from.

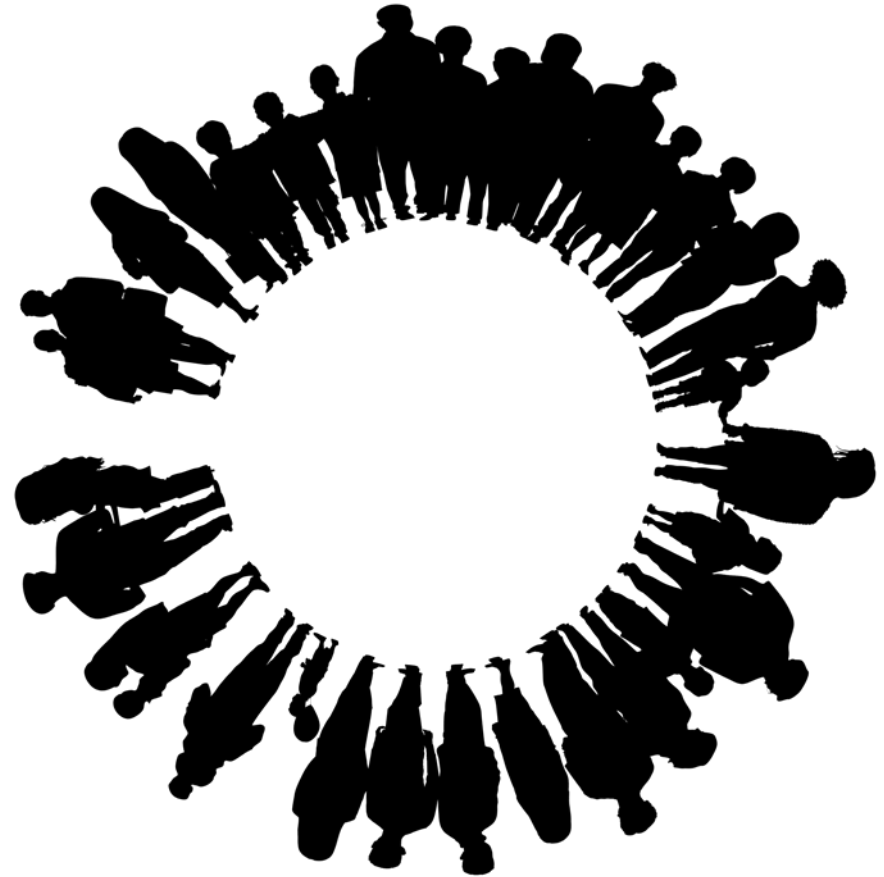
**The Voyager Golden Record: A reminder that we are all connected**

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## CAPACITY BUILDING

*Capacity-building measures **can support** the safeguarding of cultural heritage beyond Earth including mechanisms for its **memorialization** and **physical protection**.*



## CONCLUSION



*A **UN space law instrument** is needed to regulate the **safeguarding of outer space cultural heritage** and to **commemorate humanity's collective accomplishments** while reflecting on its **boundless potential** beyond even our indigenous planet.*

# Thank you

<https://moonregistry.forallmoonkind.org/>

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