

Thrillin' at the MacMillan #6: SHOOTOUT AT THE O.S.T. CORRAL

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SHOOTOUT AT THE O.S.T. CORRAL

or

ALL YOU NEED IS DELTA VEE

[by]

Spider Robinson

Ask Elliot Ness. The power of a law—its meaning—depends on who's committed to enforcing it, and how far they're prepared to go. In David Milch's HBO series *Deadwood*, nobody seems prepared to enforce much of anything, and perhaps you've seen the dire consequences of such anarchy: the rights of prostitutes were not respected, men were sometimes cheated, wealth and power and information lay in the hands of a few, undertaking was handled by voracious swine, and foul language was heard in public. Nothing like the shining civilization of laws we enjoy today.

So it's understandable that there's very little planetary law. Despite decades of science fiction wishful thinking about Terran Federations, no force yet exists that's either a) trusted enough to enforce law equitably by *everybody*, or b) ruthless enough to crush all those who don't trust it. The best that can be said of the UN is that it makes the European Union look good...but then, it makes the old USSR look good. The collapse of that Union gave the USA a golden unprecedented opportunity to become as universally trusted as any state can be...but within a decade or so, the world had somehow acquired the idea it was a nation of arrogant belligerent ignorant self-righteous antisocial greedy fundamentalist bullies and torturers, or at least allowed itself to be governed by some.

It's astonishing, then—given the dearth of global law that means anything—that there's any space law at all. Actually, there's so much of it that a highly condensed summary of the highlights I have before me runs nearly five times the length of this essay. There's money involved in space now—serious money, with more on the way—so law is needed.

But it's cotton candy: bite into it and there isn't much there. *Who enforces* what little there is, and when, and how far they may go in doing so, and where the victims—excuse me, enforces—can then go for relief, are more than a little vague. Which is probably just as well, because there's bitter disagreement on exactly what those few laws *mean*, if anything...and it's like arguing the Koran: nobody really has the authority to settle the argument.

Here's my précis of an *outline* of that highly condensed summary of highlights I mentioned, which summary I got from one of the solar system's leading authorities, Arthur M. Dula, who *teaches* space law at the University of Houston Law School. He is a founder and CEO of Excalibur Almaz Limited, an Isle of Man-based firm which plans to send manned spacecraft to its own space stations for both tourism and scientific purposes soon (see <http://www.excaliburalmaz.com>). He's also executor for the literary estate of Robert A. and Virginia Heinlein, and one of the trustees of the Heinlein Prize Foundation...in which capacities he shares half the rights to and royalties of my latest novel VARIABLE STAR, which I completed from an outline and notes found in Robert's papers. Full disclosure, folks. But I knew and respected Art Dula as Da Man in space law for decades before we wound up in the fiction business together, honest: you can ask my wife. He is not responsible for my interpretations or opinions of the facts he gave me.

Okay: if the whole world were going to get together sometime in the 20th Century and do something as quintessentially goofy as dream up a treaty regarding Outer Space—the entire universe—what decade would you guess it would be, offhand?

That's right: the Sixties. Mere months before Louis Armstrong and Buzz Lightyear took a flying leap for all mankind on the *Apollo Creed* (or was it *Ocean's 11?*)...and even merer months after the Beatles sang "All You Need Is Love," on the first-ever global telecast *Our World*.....that is, roughly 40 years ago today, Sgt. Pepper...exactly a majority-plus-one of the nations on Earth (97 of 192 countries) agreed to something called the 1967 Outer Space Treaty, or OST. (Initials were big, then. JFK. LBJ. FBI. CIA. Tragically, the ones that return in ghastly flashbacks every decade or so turned out *not* to be LSD after all, but KIA and MIA.)

Unfortunately, less than 3 years later the Beatles amended their advice; turned out all you needed was love, vicious attorneys, and a spouse who said *you* were The Talented One. It just wasn't the same after that.

Four more multinational space treaties came into force in the next dozen years. But just barely—and the last of them was nearly 30 years ago! Each was merely an attempt to elaborate, just enough to make it actually mean anything, one of the vague provisions of the original OST. Each was signed by fewer nations than the one before.

The last, the 1979 Moon Treaty, has been ratified by a whopping 12 countries so far, with another 5 still thinking about it real hard...and *none* of those is a major space power. Specifically, none is the US, the UK, Russia, China, or even Canada. One of the closest to really being a "space power"—would I make this up? You bet, but I swear I didn't—is Kazakhstan, home of documentarian Borat Sagdiyev.

So basically these clowns were mice voting that the tigers should all hobble themselves, everybody should get their fair share of green cheese, and Pamela Anderson should make sex on them. High five! As Professor Dula gently puts it, the Moon Treaty is “not generally considered a binding international law.”

The one treaty that comes closest to legitimacy, the original OST—only 95 out of 192 nations hated it—said little, and defined almost none of its crucial terms even vaguely, a precedent which was followed faithfully. No space treaty defines “outer space,” for example, or “celestial body,” or “peaceful purposes” (isn’t killing troublemakers a peaceful purpose?) or even “space activities.” The OST did opine that outer space, whatever that might be, is “free for exploration and use by all States,” and that this exploration and use—get this—shall be carried out “for the benefit and in the interests of all countries,” and shall be “the province of all mankind.”

As I said, it was the Sixties. Love was all you need.

I think there was only a single issue that anyone who *mattered* really cared about, and all the rest of the OST was tinsel, unenforceable “Wouldn’t it be pretty to think so?” generalities, solely designed to make it look good to as many nations as possible. The real point was, the US and USSR were neck and neck in their Moon race—it really was an even-money bet, right up until Armstrong stepped ashore and wished Mr. Gorsky good luck. So each side wanted it stated, loudly and publicly and with as much agreement as could be mustered, that no matter who won the race, no state could *lay claim* to this New World, the way Spain and Portugal had hogged control of the *previous* New World for all time. The Moon, and by extension space itself, was not going to be considered a New World, subject to “national appropriation by claim of sovereignty,” the way new real estate has been treated since the dawn of time, but something more like an extension of International Waters, the common heritage of all mankind. Which as you know have today been nearly fished out by fewer than a half dozen of those 192 nations.

To get the US to agree, the USSR made a major concession for a Marxist country: nothing in the OST prohibits commercial use or private ownership of space resources. Capitalism is sanctioned. You may not appropriate an *area* in outer space, such as the Moon...but anything you can take home is yours. Moon rocks become property the moment they’re picked up, and can be bought and sold. So Luna may be the common heritage of all men and women...but the helium-3 on its surface will almost certainly end up the sole possession of those few with the capital and foresight to go take it. The same will go for the Asteroid Belt, down the line.

That’s fine with Russia, which is a capitalist country too, now. Not so much with China, the last large nominally-Marxist state.

In 1967 China not only was not interested in space travel, Chairman Mao was just then beginning his brilliant 10-year-plan to disenfranchise anyone in the country bright enough to comprehend the concept. China neither signed nor ratified the OST, and only “acceded to” it in 1983. (Don’t ask me the difference between agreeing, ratifying, and acceding—I have 1,000 words on the subject in front of me, and do not grok any two in combination.)

But the Cultural Revolution didn’t work, of course: in evolutionary terms, when the stupid try to exterminate the intelligent, all that happens is that the intelligent become gifted hypocrites, and the stupid become (bad, lingering) memories. In spite of everything the Great Leader could do, today his people not only have a space program, but a damn good one, with heavy launch capacity even the Russians admire.

China has made it clear it’s going to space in a big way. It has begun suggesting reconsideration of the OST as “obsolete”...and more than that, it has already willfully defied the OST’s provision against deployment of weapons of mass destruction in space, with its demonstration of a satellite-killer missile that could easily bankrupt and starve most of North America in an hour by taking down the network on which its economy utterly depends. Can you think of a *peaceful* use for such technology? I can’t. It has stated its intention to establish a permanent manned base on the Moon ASAP...and can you think of any sensible present *use* for such a base that is *not* military? I can’t. A few weeks after China’s announcement, George W. suddenly remembered to tell us of his own lifelong interest in permanent lunar bases, and even he hasn’t thought of any pressing or even sound scientific purposes one might serve, yet.

Who cares? It’s another Space Race—a chance to recreate the Cold War that was so much fun the last time around—to spend billions erecting enormous phallic towers, that fall *up* instead of down! Two big dumb empires playing Spacewar with real bombs—one so dumb it has deliberately raised up a whole generation of males with no possible mates and no possibility of homosexual relief, the other so dumb it has raised a whole generation of Chris Moltisantis: *The Sopranos* character who, hearing talk of the Cuban Missile Crisis, frowns and says, “I seen that movie—that was *real?*”

The basics of space law are going to finally start getting nailed down, one way or another, sometime in the next 20-25 years. If the human race stays as stupid as it’s been in the past, the issue will end up being settled the way it usually is in a lawless community like Deadwood. Some individual Roy Bean will tire of all the corpses out in the street, load up a large shotgun, appoint himself Judge, and begin enforcing the law—his law—with a thick rope.

Who controls space controls the world. Long-term human survival urgently requires exploitation of space resources—fighting over them could prove fatal for all of us, for our grandchildren. So who should be the authority that enforces law

in space? A nation that can be depended upon to safeguard the common heritage of all mankind every bit as zealously as it now does the cultural heritage and autonomy of Tibet? A nation that will hold the space resources of all nations in trust as faithfully as it now does the oil beneath Iraq, or the New Orleans beneath FEMA? Or shall it be the wise, courageous, competent, trustworthy United Nations?

Seriously—I'm asking. Who would *you* like to see get the job? Those are the choices. You have 20 years to think about it.

Here's a clue to my own opinion. David Gerrold's character Solomon Short once wisely said, "Good. Fast. Cheap. Pick a maximum of two." The solution to this problem *has* to be fast—and it had *better* be good.

BC writer Spider Robinson's 33rd book VARIABLE STAR, a collaboration with Robert A. Heinlein, is available in hardcover from Tor Books; for further information visit <http://www.spiderrobinson.com> or <http://www.variablestarbook.com> .