

COVER LETTER

Sunday, 14 June 2020

Civil Appeals Office

Room E307

Royal Courts of Justice

The Strand

London

WC2A 2LL

REF: CO/2462/2019 (Mars Land Claim)

Dear Sir / Madam

**Re: Application for permission to appeal against High Court's refusal of permission for Judicial Review**

On 01 October 2019, Sir Wyn Williams, as High Court Judge in the Queen's Bench Division, Administrative Court, decided that my Application for Permission for Judicial Review was refused; the application was considered to be totally without merit.

As a result of the Judge's decision and Government Legal Department's demand that I pay for the costs promptly, I advised that despite my intention to appeal that decision, I was willing to pay the costs as ordered.

The Government Legal Department agreed my proposed payment by monthly instalment (I signed the agreement) and I am faithfully paying those instalments without default.

I should state that this pan-multinational communal claim (the Mars Land Claim) is genuinely important to me. One look at the size of my website (see <http://themartians.org>), with over 60 pages and scores of multimedia files, will indicate that I am committed to reach an ethically honourable outcome. Our quest may initially appear quixotic, but it is not unachievable: our efforts might ultimately provide a small jolt to UN COPUOS to strengthen space law. At a time when orbital weaponization is otherwise imminent (<10 years), every small jolt could really count. Clearly, if there is to be any jolt, it is most likely to be from rather sensational media coverage of such a matter, but there is a genuine chance that a legal jolt could prove much more forceful. The concept of

'common celestial land' and UN trusteeship in space is key to purpose of the claim.

In respect of our pan-multinational communal celestial land claim ('AllMankind.org'), there is no barrier within space law (even the expanded customary space law). Article 1 of the Outer Space Treaty is even supportive.

It is my understanding that international law and human rights law (at international and national level) create a universal right to possess and protect such land, whether celestial or earthly. Space law, derived from international law, contains provisions which limit property rights in space. As it stands it is apparently feasible for US nationals to own those parts of celestial bodies that are 'obtained' as resources and not risk breaching the law through 'national appropriation'. This is the interpretation advanced in the US Space Act, which clearly does put a dent in the Outer Space Treaty and has not yet been uniformly accepted. Pan-multinational possession of celestial land can more easily be accommodated. It can legitimately be registered into trust with UN holding title and all land claimants communally sharing the beneficial title of 'common celestial land.' With UN as trustee, there is no national appropriation and it is all mankind (not all nations) which holds the beneficial title. This is very much in keeping with Article 1 of the Outer Space Treaty (Space being the 'province of all mankind'). Our claim makes provision for the UN, should the member states wish, to acquire all the beneficial title also (subject to a safe update in space law and nominal fee payment to all co-claimants).

So, for the purposes of this appeal, with no evidence in space law of any proper resistance to my communal claim, it falls on the Appeal Judge to consider whether my claim of communal possession of celestial land does sufficiently engage with HPA/ECHR. Clearly, I assert that it does. This is the key element. I contend that on analysis of more recent ECtHR interpretations, we see that some tightly defined procedural rules and positive obligations (upon the state) have sometimes emerged. If I can sufficiently prove that actual possession is legitimately arguable (hence A1P1 of ECHR is engaged), then I believe my rights will require the presence for a narrow procedural rule (requiring a very limited positive obligation on the state), which enables my access to a fair trial (hence Article 6 ECHR becomes engaged) that must have jurisdiction to appraise our communal claim. Such fair legal due process must be international (UK Courts cannot have jurisdiction for a pan-multinational communal claim to celestial land). Through fair appraisal, our communal claim can be further considered in line with our right to protect the possession via recognition and registration. It is my assertion that without the protection that formal recognition and registration would bring, our hold on such a communal possession remains extremely vulnerable ... there can be no easy, peaceful enjoyment of our celestial possession. Obviously, the international court (but not the UK Appeal Court) would first need to decide if our possession/occupation of

this difficult barren celestial land is sufficiently actual/effective for the purpose of registration. It will also have to weigh the respective merits of strategic value, future commercial opportunity, military might, peaceful governance and UN trusteeship.

For purpose of my current appeal, I don't see that my assertion of celestial possession has to be proven beyond doubt in order to engage A1P1 ECHR. I should provide sufficient evidence to show our possession is arguably actual (actual possession = effective occupation).

My website contains a lot of multimedia: videos showing the strong lasers (class 4 lasers) being repeatedly applied to Mars; videos of laser Morse Code messages (claiming peaceful possession) to Mars; social media accounts and witness statements over 10 years of claimed possession; scientifically verified practice (4.4 quadrillion laser photons per second impacting Mars at opposition (closest approach) ... this does have a very small beneficial geo-atmospheric effect (towards human terraforming) through sublimation of surface CO2 ... this is in line with Elon Musk's rather more violent suggestion of thermonuclear explosions over the polar surfaces); Professors of astrophysics and space Law acknowledging the seriousness of our claim; repeated petitioning of UK Government and UNOOSA (submitting repeated 'first applications for registration' of land on Mars). This practice, being confirmed over 10 years (since 2010), is backed up by a comprehensive governance/administrative plan which clearly includes UN trusteeship and 'common land' at its core.

So, is that enough? Well, when compared to the minimal criteria (for proof of possession of difficult barren land) that have become established in the practice of international and private law over the last century, I state that the answer must be yes. There are plenty of examples of how title to swampy or barren land has been successfully registered to individuals through adverse possession that was regarded as sufficiently actual/effective/continuous without actually having any sustained human presence (and certainly no settlement/habitation) on the land. The same minimal criteria applied when national claims to Clipperton Island, Las Palmas and Eastern Greenland were considered. No actual human settlement was required (the Antarctic claims initially proceeded along the same lines). I assert that the minimal criteria for proof of actual possession (or effective occupation) of difficult barren land are just as applicable to Planet Mars. Admittedly, the barren islands mentioned here were probably of low strategic value at the time. There was no mention of assessment of strategic value in the arbitration over ownership of those islands (and other claims). The criteria were based on quality/geography/geology of the land: was it ready for settlement?... was it flush with tradable resources?... how convenient was it? The land environment on Mars is more distant, hostile and barren than anything on Earth.

If the appeal court is to consider whether, via consideration of my evidence, a celestial possession is now arguably actual, it should do so on basis of those geographic land-quality criteria that have been used throughout the last century. A new consideration of strategic value (and how that might increase the requirement towards actual human settlement to satisfy 'effective occupation') is not for this court ... it is for an international court with jurisdiction.

It may be easier to imagine that a new volcanic island has erupted from the mid-Atlantic ridge, more than 200 miles from any other land mass or island. The craggy shoreline and rough volcanic topography mean it is formidably difficult and dangerous to approach from sea or air. The new island's presence is acknowledged internationally but no claims of sovereignty are made in the early days. A large group of people from multiple different 'Atlantic' countries discuss a project online and agree to sail to the island. They circumnavigate the island several times and record a video of them all claiming communal possession under the name 'The Atlanteans.' They later charter a plane and fly low over the island, dropping a small basket of seeded damp soil (recorded on video). They repeat this flight monthly (always recording on video), dropping a new basket of seeded soil each time.

The UN, acting via the Seabed Authority, drop a robotic probe on the island which confirms its barren composition and difficult terrain. No national claims of sovereignty are made. Then after 10 years of monthly air- visits (and as yet, no actual evidence of new growth from the island soil drops), the proposed leader of 'The Atlanteans' submits to the UN 3<sup>rd</sup> and 4<sup>th</sup> Committee secretariats an application for 'First Registration of Title' to 'New Atlantis'. Provided within the application was instruction that the land be registered into Trust, with co-claimants holding beneficial title and the leader acting as settlor to offer legal title to the United Nations. The secretariats replied, advising that he/she must have the claim introduced to the UN Committees by a member state delegation. Thus, being British, the leader requested that his UK government introduce the new matter of the communal claim to the 3<sup>rd</sup> and 4<sup>th</sup> UN Committees via their national delegation. The UK government refuses, so the leader of The Atlanteans applies for Judicial Review, citing a breach of Article 6 and A1P1 ECHR.

In that elaborate but earthly example, I would expect the Court to find that there was an obligation for the UK Government to facilitate access for the claimant to appropriate international due process (the most obvious simple step being to introduce the matter to UN 3<sup>rd</sup>/4<sup>th</sup> Committees, without providing any promotional support to the communal claim).

I believe my claim is very similar to this, with the added requirement to explore the nature of the claim against

any possibility of resistance within established space law (and I state that there is none).

Finally, I should state that I do understand how difficult it must be for a learned Judge to wade through the 'Googled-law' ramblings of a non-lawyer. I am a licensed medical doctor, a GP. I think GPs share similar qualities and standing to solicitors. I am very content to have patients come to me having formed a Google-driven opinion on their diagnosis and optimal treatment ... provided they do still come to me when they really need help. In many cases they come to me with useful knowledge, already capable of managing their condition without much input from me. I suggest that many people could usefully use 'google-law' to manage some of the work that a solicitor might normally deliver. Barristers, however, are more akin to senior hospital physicians and surgeons. I would not expect a patient to competently operate on him/herself, even with the guiding support of experienced theatre staff. Likewise, I know it is potentially foolhardy to believe that I might properly represent my claim in a Judicial Review or Appeal Court ... but alas I currently don't have sufficient funds to pay barristers, so will do my best to give the Judge a clear understanding of the facts pertinent to this matter and the reasoning behind my assertions.

Yours faithfully,

Dr Philip Davies

Appellant / Claimant