

Legal Issues Related to Space Exploration (13)
Specific legal issues of space exploration and exploitation (2)

Author: Dr. Ugur Guven
United States

Mr. Mrinal Sharma
India

Ms. Surbhi Sacklecha
India

Mr. Gurunadh Velidi
University of Petroleum and Energy Studies, India

MINING RIGHTS OF DEVELOPING NATIONS ON QUEST FOR THE MOON CASE STUDY OF
HELIUM 3 MINING RIGHTS

Abstract

As space exploration has almost advanced to the point of being able to go to the moon at will, this also has created various conflicting and multifarious legal afflictions. In essence, there are two to five nations that are in competition with each other regarding the establishment of a Moon outpost. Many major space agencies have stated their willingness to send a manned mission to Moon with a corresponding outpost for future operations in the next two decades. In essence, this also brings in the question of Mining Rights of nations that are able to go to the Moon. Principles of International Law enunciate that states possess the freedom to explore and use outer space. However, it also attests that no state shall claim territorial sovereignty on celestial bodies. The national appropriation of outer space and celestial bodies is expressly prohibited by various agreements and international treaties. Exploration must be in the interest of world peace, security, as well as international cooperation and understanding, which shall benefit all of mankind. The earnest concern is that no state has the right to deplete a natural resource occurring on a celestial body in space and therefore up to what extent a state can utilise the same for its peculiar ambitions has to be determined. Analogous postulates have been deduced for the deterrence of mining of minerals in Antarctica, though environmental facets also played a key role. Exploitation of Helium-3 and other minerals from the moon shall minister the economic fortunes of the states. According to latest research, Helium 3 is a promising material which is found on the moon that allows for fusion without the corresponding radioactive by products. Thus, through the utilization of Helium 3, unlimited cheap and safe energy can be created for those nations that are able to mine this product from the Moon. At present, it can be foreboded that U.S. and Russia will be primeval to entrench bases on the moon and thereafter the other emerging powers will follow the course. The status quo should not abet the technologically elevated nations like the United States of America and the Russian Federation, to infringe the rights of the emerging nations like India and China. No state must be acceded to devour the Helium-3 and other minerals from the moon. This paper will explore these concepts and take a case study of Helium 3 mining rights on the moon.