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ASTEROID MINING

Abstract

My paper will first establish the existing legal framework for exploitation of celestial bodies. It will describe the legal regime of the Outer Space Treaty (OST) . Asteroids are celestial bodies. They constitute the “province of all mankind.” Asteroids are ”not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.”(OST Art II). States are responsible for national activities in outer space, including asteroids, ”regardless of whether such activities are performed by governmental or non-governmental entities. Asteroid mining requires national licensing and supervision (OST, Art. VI). The Outer Space Treaty also imposes environmental requirements for asteroid mining (OST, Art. IX) . Consequently, non-governmental entities cannot acquire ownership to asteroids in outer space.

My paper will discuss a variety of asteroid explorations and exploitations, whether States and/or nongovernmental enterprises can seize asteroids, drag them to the Moon or to Earth for mining purposes, to what extent asteroid mining can be analogized to fishing on the high seas and be sold like fish in the home country, and what can or will happen to entrepreneurs who resort to self-help on asteroid mining activities.

The paper will discuss the need for agreed international standards before secure asteroid mining can take place and will suggest ways for establishing such standards.

Finally the paper will discuss possible liability that asteroid mining companies and their States may incur if and when they resort to mining in the absence of agreed international rules and standards.