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THE INTERPRETATION OF THE OUTER SPACE TREATY AND THE ACTIVITIES OF PRIVATE
COMPANIES IN OUTER SPACE

Abstract

The Outer Space Treaty was negotiated during the Cold War. Both the United States and Russia (the former USSR) were involved in a race to the moon. They wanted to prevent that the first state that would actually reach the moon, have the right to appropriate it. Therefore, it was agreed that no state could claim exclusive rights on the moon or other celestial bodies. However, at that time there was no involvement of private companies in outer space. As a result, the Outer Space Treaty only deals with state activities. Nowadays private companies are interested in outer space and are important actors in this field. A lot of companies are willing to invest in commercial mining of celestial bodies, in building hotels on the moon and in other activities that might involve an exclusive use of outer space or celestial bodies. This paper will examine if the activities of private companies can fall within the scope of the Outer Space Treaty by giving a less restrictive interpretation of the principles laid down by the Treaty.