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MINING OUTER SPACE: OVERCOMING LEGAL BARRIERS TO A WELL-PROMISING FUTURE

Abstract

Iced water, Helium-3 or Oxygen are only some of the valuable minerals that are harvestable in Outer Space. They are ideal to effectively resolve issues arising from the depletion of terrestrial natural resources combined to the augmentation of Earth's population and its subsequent needs. Numerous initiatives are undertaken by both public and private entities for such exploitation in Outer Space. Equally important are the barriers imposed by space law: Outer Space "in the interest of Mankind", "Freedom of its Use and Exploration", the "Non-appropriation principle" and the demand for an "Equitable Sharing", are the cardinal provisions of Outer Space Law and the key blockage to the realization of space mining activities. The purpose of this paper is twofold: first, it discusses potential ways to interpret the above principles, as elucidated by current policies and commercial initiatives, in order to conceptualize a legal framework for space mining. Second, it suggests a possible regulatory regime so that space mining activities can take place in accordance with the already existing space law principles. One question that will be raised is whether the legal regimes governing the resources of the Deep Seabed and the Antarctic regions are applicable. Are such analogies acceptable? To what extent are they useful in the quest for a set of effective legal provisions to govern Outer Space exploitation? These are only few of the burning queries that are currently being discussed and still awaiting to be answered. Could Outer Space "colonization" be the answer? Ambitious, but likely effective. Hence, what should prevail: the barriers imposed by a solid but outdated legal framework, or the terrestrial dire need for sustainability and exploitation of alternative resources such as those that Outer Space promises to provide?