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USE OF MULTILATERAL AGREEMENT TO DEVELOP SPACE RESOURCE RIGHTS REGIME

Abstract

The current state of legal clarity and regulatory guidance pertaining to space resource rights for the commercial space industry is opaque at best. The Outer Space Treaty of 1967 (“OST”) remains the backbone of current international space law and continues to remain the “Magna Carta” of space law. Written in a time when only nation-states dominated space activity, however, the OST does not specifically address the status of space property rights. A space resource property regime is requirement by the nascent commercial space industry in order to attract participation of the global capital markets to finance and secure the long-term viability of the private space companies.

Several commercial space companies are moving forward with plans to develop a space infrastructure and economy using in-situ resources. At the current launch rate of 10,000(*US*)*per pound of mass, it is evident that even withlo*

While several legal frameworks are available to develop a space resources property regime, using multilateral agreements may be the most practical and effective method of garnering international support and active participation from both developed and underdeveloped nations. Precedence for using a multilateral approach for space resource property rights has already been set forth in previous multilateral agreements such as the Space Station Intergovernmental Agreement (“IGA”). The IGA clearly sets forth personal private property guidance amongst nations participating in the International Space Station (“ISS”) in terms of securing in-situ developed intellectual property. Using a multilateral space resource rights approach may diminish the likelihood of potential conflict amongst space-fairing nations while providing the most expedient and comprehensive legal methodology that will garner the support of nations aspiring to play a role in the development of a space infrastructure and economy.