

16th IAA SYMPOSIUM ON VISIONS AND STRATEGIES FOR THE FUTURE (D4)
Space Resources: Technologies, Systems, Missions and Policies (5)

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LEGALITY OF SPACE PRODUCT: RIGHTS AND OBLIGATIONS ARISING FROM SPACE MINING
ACTIVITIES**Abstract**

In September 2017, the Hague International Space Resources Governance Working Group released a revised “draft building blocks for the developments of an international framework on space resource activities”. In “Definition of key terms”, for the first time, the concept of “space product” was stated explicitly in a document to be submitted for the consideration of constituting such an international framework articulated in Article 11(5) of the Moon Agreement.

According to this draft, space product refers to product made in outer space wholly or partially from space resources. Raw mineral, volatile materials, any form of water are not included. A Moon Village could be constructed all by space product. The definition of space product was first raised in 2014, when private space companies had announced their ambition on space mining yet gained no legal certainties, nationally or internationally. It nonetheless brings to the forefront important legal issues concerning the rights and obligations over space resources gained in space mining activities. The current international law matrix on this issue is to be found in international space law, especially in the Outer Space Treaty, where certain prohibitions apply to national appropriation of celestial bodies, stipulates that space must also be used for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development.

This paper tries to point out potential conflicts and challenges when introducing this new concept. This paper also compares the characters of space product and space resources to be used under other circumstances, taking an attempt to distinguish rights and obligations in the building of future legal regime. The interface between these right status consequently gains in importance, possibly forcing a reinterpretation of certain space treaties along with the pace of state practice.