

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
International cooperation on the way to the Moon and Mars (2)

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THE ASYMMETRIC POWER OF INTERNATIONAL LAWMAKING AND ITS INFLUENCE ON
INTERNATIONAL NORMS AND INTERNATIONAL COOPERATION: FROM THE PERSPECTIVE
OF SPACE RESOURCE RIGHTS**Abstract**

Although the international community has not yet reached a consensus on space resource rights, the United States led seven other nations in formulating the Artemis Accords, taking an important step toward recognizing private property rights to space resources. The Accords show that the United States has superior power in shaping international law on space resource rights compared with other nations. There is a need to study what constitutes America's asymmetric power of making international law and how its power affects international norms and international cooperation regarding space resource rights. This paper first demonstrates that the provisions of the Accords are mainly influenced by the United States and then proposes the concept of "power of international lawmaking" to refer to one state's capability to influence specific international norms according to state preferences. The level of such power depends primarily on the state's national resources, international network, and strategies to use them. On space resource rights, America enjoys considerable advantages in these three aspects, which ensure its asymmetric power of international lawmaking on the issue. Such asymmetric power allows the United States to exert a significant influence, directly or indirectly, on Artemis Accords, the Outer Space Treaty, the Moon Agreement, and relevant customary international law. At present, the asymmetric power is prone to exacerbate the fragmentation of international law on space resource rights. By influencing international norms, America's asymmetric power may lead to a series of exclusive bilateral cooperation based on asymmetric interdependence. Although the cooperation would benefit all signatories, its lack of breadth and depth makes it less beneficial to the international community than multilateral cooperation. This paper can lay a foundation for further analysis of how powerful states' power influences international law and international cooperation and offer a power-based perspective to study other international legal issues.