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LEGAL CHALLENGES IN FRONT OF PRIVATE SECTORS ON EXPLORATION OF SPACE
RESOURCES AND OFF-EARTH MINING

Abstract

The task of formulating space law in the 21st century is different from what international community has applied in the past years. Technological and scientific advancement has brought us to the point where mankind will have to consider its next steps in order to enable fair exploitation of Space Resources and Off-Earth Mining. The modern era of globalization requires the more harmonization and unification of the regulation. Outer space activities and related activities have become a part of this global process and the related regulation will have to adopt appropriately. Growing economic uses of space technology and the privatization is leading to the wider applications of private international law which will have to be supported by appropriate provisions on liability. With regard to the development of space technology, the private sector is willing to invest in the exploration of space, but they need that the international community supports their interests against others. Liability of private sector is naturally different from responsibility of states and public sector in space international law. Although the Liability Convention 1972 provides provisions that includes liability regime for states and private sector, there are ambiguities about liability of individuals. There are, questions as to whether it protects private sectors against public sector as well as a private sector. In this paper, the authors try to investigate challenges of the legal regime of exploitation on Space Resources and Off-Earth Mining with particular reference to liability for private sector, and show that the current international regime is inadequate for determining liability of private activities in this regard and to indicate how this problem may be settled through private international law.