

59th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Interactive Presentations (IP)

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LEGAL APPROACH TO THE EXPLOITATION OF NATURAL RESOURCES OF THE ASTEROID
BY THE NON-GOVERNMENTAL SECTOR: AN ANALYSIS FROM THE PERSPECTIVE OF CHINA**Abstract**

The new passed “Space Act of 2015” of the United States allows US citizens to engage in the commercial exploration and exploitation of “space resources”, with examples including water and minerals. Some believe that this regulation is potential to in breach of the the requirement of non-appropriation of outer space proposed by the 1967 Outer Space Treaty (Art. II OST), to which the United States is a signatory.

Since space commercialization and privatization are rapid developed in space faring countries, if the model of adopting national space legislation to authorize citizens to exploit space resources is accepted by the other space powers, it will become the competition of the space powers in exploiting space resources, and more serious legal conflicts will be caused not only to Art. II, but also to Art. I of the OST, which stipulates that “the exploration and use of outer space [...] shall be carried out for the benefit and in the interests of all countries”.

Based on the arguments above, this study emphasize the following issues:

Firstly, Art. II OST only mentions that outer space (including the moon and other celestial bodies) is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means. Whether the activity of exploiting resources in outer space by citizens constitutes the situation of claiming sovereignty is still controversial. The first part will clarify this issue.

Secondly, the failure of the 1979 Moon Agreement marks the end the the “space treaty epoch”, thereafter, the resolutions adopted by the United Nations General Assembly start to be the main form for regulating activities in space. For the second part, the legal approach to the exploration of space resources by the non-governmental sector will be discussed in the context of international space law.

Thirdly, as a space power as well as a developing country, China is recommended to establish domestic legal regime of space resources exploration to protect national benefits in outer space, meanwhile, China is also recommended to be a participant of creating international legal mechanisms for space resources exploitation against the background of the New International Economic Order. Specifics will be illustrated in the third part.