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A NEW ERA FOR SPACEFARING NATIONS: MINING THE WAY TO A DOCTRINAL  
RESOLUTION TO PROPERTY RIGHTS IN SPACE

**Abstract**

A new era of space exploration is impending with United States (US) President Barack Obama's signing of the Commercial Space Launch Competitiveness Act of 2015, also known as the SPACE Act, which dictates that "any materials American individuals or companies find on an asteroid or the moon is theirs to keep and do with as they please." This forward-looking law potentially poses a problem in the international community, as it has been perceived to run contrary to the widely-accepted Outer Space Treaty (OST) of 1967, which asserts that celestial bodies are "the common heritage of mankind that cannot be claimed." Even if one chooses to interpret this OST provision to only encompass sovereignty over the actual body, and not on its resources, which would mean the SPACE Act does not violate the OST; it does nothing to quell the fact that existing international law does not have adequate solutions for resource extraction and ownership rights in space. This paper will propose a solution for the void in international law that has been exposed by the SPACE Act. Since additional nations will inevitably enact similar space mining legislation, the SPACE Act contains a glaring omission in not enacting any sort of framework for dispute resolution between domestic companies and international entities, meaning that the inevitable space race (part 2) would establish an inefficient and contentious "finders' keepers, losers' weepers" precedent that would contravene the goal of cohesion and collaboration amongst the countries in their spacefaring endeavors. In an attempt to avoid this crippling consequence, a new policy must be implemented to efficiently administer and supervise resource extraction endeavors and the resulting ownership rights of the extracted resources. The proposed solution will seek to incentivize global investment into further space exploration and efficient mineral utilization, which will be achieved by rewarding good faith efforts to stake a claim to extraterrestrial minerals, deterring opportunistic conduct that could lead to dangerous friction between spacefaring competitors, and providing clear rules of ownership that eradicates the uncertainty that could potentially come with dual possession.