

Law Issues and Public Awareness Related to Space Exploration (11)

Law Issues and Public Awareness Related to Space Exploration (2)

Author: Dr. Mingyan Nie

Faculty of Law, Nanjing University of Aeronautics and Astronautics, China, niemingyan@hotmail.com

THE ESTABLISHMENT OF AN INTERNATIONAL REGIME FOR EXPLOITING NATURE
RESOURCES OF THE ASTEROIDS: TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF
DEVELOPING COUNTRIES

Abstract

To establish an international regime for exploiting the natural resource of the asteroids was proposed in the international society as a solution to the question caused by the adoption of the U.S “Space Resource Exploration and Utilization Act” in the year 2015. And it is believed that the discussion of creating such a regime will be a long progress. After “international cooperation” is created to be a basic legal principle of conducting space activities by the 1967 Outer Space Treaty, several cooperation models are found. International regime for the purpose of exploiting natural resources in outer space belongs to one of them. As an interpretation of the international cooperation principle of the 1967 OST, the 1996 “Space Benefits Declaration” announces that “international cooperation should be undertaken by [...] taking into particular account the developing countries’ needs”. In other words, when creating the international regime for mining asteroids, developing countries’ special needs should be considered, and proper mechanism has to be made to protect such needs. However, it is necessary to notice the fact that the “Space Benefits Declaration” has been published for more than 20 years, the needs of the developing countries have probably changed comparing to the time when the “New International Economic Order” was just created. Especially when considering the exploitation of the asteroids natural resources, the specific contents of the developing countries needs are necessary to be clarified before establishing the regime. Furthermore, several regimes for governing the exploration and utilization of international spaces have already been created, for example, the GEO and the ITU regulatory regime, the regime for the exploitation of natural resources of the deep sea-bed as well as the international regime for space resource exploitation created by the Moon Agreement. How could the rules created by those regimes be applied to the regime of asteroids natural resources exploitation is necessary to be analyzed. This paper focuses on the particular needs of the developing country in the process of creating international regime for natural resource exploitation of the asteroids. And the existing regimes for governing international spaces will be analyzed as examples. As a result, it is anticipated that an international regime which can satisfy the needs of both blocs (developed and developing countries) can be created to contribute to exploiting the asteroids legal and orderly.