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INTERNATIONAL AND US LAW ON SPACE MINERAL RESOURCES

Abstract

D4.5 Space Mineral Resources, Asteroid Mining and Lunar/Mars In-Situ Resources Robin J. Frank Associate General Counsel International Law Courtney Bailey Associate General Counsel Commercial and Intellectual Property Office of the General Counsel National Aeronautics and Space Administration, United States This paper looks at international and US law and pending international and US law issues regarding commercial entities' ownership and use of space resources. It will look at the 1967 Outer Space Treaty, the other three core space treaties and the 1972 Moon Agreement regarding their relevance to commercial entities' ownership and use of space resources. In particular, this paper will examine OST Art I ("free for exploration and use by all States"), Art II (non-appropriation") and Article VI (a States' international responsibility for its nongovernmental entities). The paper will consider the relevant discussions of these treaties at recent meetings of the UN Committee on the Peaceful Uses of Outer Space (COPUOS), in particular the Legal Subcommittee (LSC), in other UN fora. The paper will also consider other relevant aspects of international law, such as Security Council and General Assembly resolutions (see OST Art III). This paper also looks at US law, legislative proposals and regulatory actions, including the 2015 Commercial Space Launch Competitiveness Act (CSLCA), the 2016 Obama Administration proposal, the Space Renaissance Act (Representative Bridenstine proposal), any Trump Administration proposals, and the Federal Aviation Administration's July 2016 approval of the planned 2017 robotic mission to the Moon by Moon Express, a Google Lunar X Prize contestant. This paper will conclude by discussing the consistency of the CSLCA and US legislative proposals with the international legal obligations of the United Sta