

61st IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
10th Nandasiri Jasentuliyana Keynote Lecture on Space Law and Young Scholars Session (1)

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LEGAL AND POLICY CHALLENGES FOR USING BLOCKCHAIN TO ESTABLISH PROPERTY
RIGHTS IN OUTER SPACE

Abstract

50 years ago, the Outer Space Treaty established that “Outer space, including the Moon and other celestial bodies, is not subject to national appropriation” (Art II). However, many private companies are interested in using these extraterrestrial resources. And their businesses need to provide investors a sense of certainty that they will be able to lay sufficient claim to carry out their activities.

One potential solution for creating certainty in extraterrestrial resource claims is the use of Blockchain. The digital technology is described as a global distributed ledger, which has already been evaluated for use in recording titles and deeds.

This paper will examine the legal and policy challenges that Blockchain presents if it were to be used to establish property rights in Outer Space. Such challenges include: a supranational registry outside the ability for any one country to control or take responsibility for, encouraging the largest businesses to participate to create a critical mass of authority, agreeing upon standards for surveying and laying claim, and creating a history of recognizing claims so that countries could eventually adopt the registry to formally recognize Outer space property rights in law.