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Author: Prof. Edythe Weeks

Webster University Worldwide, Washington University and Northern Arizona University, United States,  
outerspacedevelopment@gmail.com

WHY INTERNATIONAL LAW CANNOT AFFORD TO BE SUBJUGATED TO NATIONAL LAW,  
STATE POWER OR THE PROVERBIAL "POWERS THAT BE": THE CASE OF SPACE MINING

**Abstract**

Space mining phenomena can evolve into a set of thriving industries, in the not too far-off future. Similar to satellite telecommunications and related industries, it's possible for space mining to jumpstart and stimulate economic, social and psychological prosperity - worldwide. Thus, it may also reduce conflict, poverty and inequality gaps, as well as produce sustainable patterns of global equality, peace and environmental stewardship. Humankind has a unique opportunity to use existing international space laws to facilitate all of the above. One thing stands in the way – steady attempts to dismantle international space law.

The methodological approach includes a critical discourse analysis of language surrounding the passage, and certain provisions of the U.S. Commercial Space Launch Competitiveness Act of 2015, and other national laws. This analysis further includes the method of deconstructing discourses indicating resentment for the Outer Space Treaty and The Moon Agreement. The purpose of using this technique is to review and evaluate challenges to aspects of international space law and to provide useful insight for encouraging, protecting and regulating future space mining industries.

This paper's central objective is to highlight a potentially detrimental pattern, brewing like a fiery, fiery underbelly within the outer space development community. Challenges to international space law represent something other than the often-stated request for private sector participation, since existing international space law mechanisms have served both public and private commercial space enterprises for over fifty years. A myriad of resulting space industries including private space transportation, International Space Station commerce, satellite telecommunications, remote sensing and various related enterprises, serve as proof. Yet, discourses consistently launch vehement attacks on international space law. Complaining assertions include that international space law is inadequate, irrational, unfair, prevents property rights, ignores the needs and rights of private industry and it therefore is preventing space enterprise from moving forward. The record of space lawmaking disproves these assumptions. This paper asserts that attempts to discredit and defame international space law are motivated by a lack of understanding, deep seated prejudices, egocentric, socio-centric, nationalistic ideas, which no longer fit in our world. These assertions carry traces of Cold War ideology and war sentiments - likely to produce conflictual resentment, as humankind begins to settle the polar regions and the final frontier. Those taking a stance against international space law, have been misled. They don't truly understand the purpose, political function and possible permutations of application for existing international space law.