

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)  
Space Mining: National Authority? International Authority? Both? (5)

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SPACE MINING: THE COHERENCE OF ITS INTERNATIONAL AND NATIONAL  
AUTHORIZATION

**Abstract**

The Outer Space Treaty and Moon Agreement leaves a vacuum for the authorization of space mining. The non-appropriation principle and states' jurisdiction extending merely to their registered space objects denies the legal basis for space resource rights. One of driving force for the pursuit of space activities is access to its natural resources. In contrary to the Antarctic Treaty and its protocol, the Outer Space Treaty does not prohibit space mining and there emerges the need for regulatory framework of space resource activities to some extent recent years. Only authorization at the international level, whether in the form of a new rule or an authoritative interpretation of the current one, can change the potentially illegitimate status of the relevant legislation granting space resources rights. This will inevitably deal with the international regime for space mining, particularly the issue of benefit sharing and duly authorization and supervision by states. The UN Convention on the Law of the Sea and its practice in international seabed has provided some clues for the regime design of exploitation and utilization of space resources. The inherent decentralization of international legal documents and the general and broad meaning of the province of mankind and common heritage of mankind provide sufficient flexibility to narrow down different positions and interests.