

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

Author: Prof. Mark Sundahl
Cleveland State University, United States

AN INTERNATIONAL REGISTRY AND REGISTRAR FOR PRIORITY RIGHTS TO EXTRACT
RESOURCES ON CELESTIAL BODIES

Abstract

The Hague International Space Resources Governance Working Group has been developing the conceptual “building blocks” for the future development of an international framework for regulating the extraction of natural resources from celestial bodies. One of these building blocks contemplates the potential creation of an international registry for determining the priority rights of an entity to engage in resource extraction on a celestial body (or on a particular part of a celestial body). The purpose of this registry would be both (1) to ensure that such entities can operate without interference and (2) to ensure that such entities operate with due regard for the interests of other operators. This paper proposes a structure for such a registry as well as a process for granting priority rights to a particular entity. The proposed structure and process draws from three existing international registries of different types: (1) the United Nations Register of Objects Launched into Outer Space, (2) the ITU Master International Frequency Register, and (3) the International Registry of Mobile Assets created by the Cape Town Convention on International Interests in Mobile Equipment. Each of these registries serve as helpful examples of how to create an international registry for resource extraction. The UN Register provides an example of how to describe the location and nature of the resource extraction activities. The procedure used when updating the ITU Master Register could be transferred, with some alterations, to maintaining the resource extraction registry. Finally, the Cape Town Convention registry operates in conjunction with priority rules that would work equally well for resource extraction. In addition to ensuring the priority of the right to engage in resource extraction, the Cape Town Convention registry also give guidance regarding how the registry could be used to protect scientific, historical, and cultural sites on celestial bodies. Eventually, this registry could be expanded to govern the use of land on celestial bodies regardless of the nature of such use, including other commercial operations or even residential housing.