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RETHINKING THE PRINCIPLE OF COMMON HERITAGE OF MANKIND – ITS CONTEMPORARY
REFLECTION AND CHINA’S ENGAGEMENT

Abstract

With the highly development of modern technology, the use of space resources is becoming increasingly possible and full of potential, national government as well as private companies are eager about space resources exploitation and asteroid mining, some States even enacted their own space resources Act (the US and Luxemburg for example). However, multiple reasons thwarted such plan. Besides, the result of the Hague Resources Working Group remains to be seen, thus the future of space resources exploration is still ending with a question mark. In this regard, the author would like to pick up the oblivious principle of common heritage of mankind, since it’s been raised and clearly stated in the Moon Agreement in 1979. The purpose of this research is to provide a comprehensive international legal analysis of the concept as it exists in international space law, especially its reflection in these days. It has been shown that the Moon Agreement applying the concept of common heritage of mankind to outer space, Moon and other celestial bodies which has been presented by developing countries to preserve essential resources, always been associated with some problems. There are widespread criticisms that such principle does not correspond to the need of modern world, the ambiguous of the precise meaning of the concept and the imperfection of Moon Agreement may also account for the absence of contracting States. Accordingly, how to break the deadlock has been an attempt for academic and government officials for years. Closely related, China has declared “community of shared future for mankind” as the national strategy, which primarily aims at the new frontiers of global governance including outer space. As the strategy could integrate with the common heritage principle, this research will supplement what China can do and what difficulties China may face with regard to Chinese national interests in the context of the space resources exploration.