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Author: Mr. Thomas Cheney
Northumbria University, United Kingdom

IN THE INTERESTS OF ALL COUNTRIES – ENSURING EQUITABLE ACCESS TO SPACE
RESOURCES**Abstract**

It is clear that the solar system taken as a whole has an abundance of resources. There is an abundance of water in various forms. This has prompted concerns about the equitable access to resources for all countries to be met with the response that there is more than enough for all, so there is no cause for concern. However, is that true? Overall there is plenty, but the key is accessible and economically viable resources, or 'ore'. Martin Elvis has estimated that there may be as few as 10 'ore bearing' Near Earth Objects (NEOs).

Granted as technology develops and demand increases this number is bound to rise (as is the case with economically viable mining and drilling locations terrestrially) but the economics of space mining are tenuous at best, and will probably remain so for the foreseeable future. Therefore, there are legitimate concerns about the equitable access to space resources. Furthermore, there are legal groundings for this concern as Article I of the Outer Space Treaty (OST) declares that space should be used "for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind." While this is poorly defined and is certainly not the Moon Agreement's 'Common Heritage' it does mean that the interests of developing countries cannot simply be ignored.

Furthermore, Article I grants freedom of access to all areas of celestial bodies limiting space 'miners' ability to exclude others from their 'mining sites' although they are protected from 'harmful interference'. The non-appropriation principle found in Article II OST further complicates these matters. This paper will examine the issue of equitable access, both with regards to existing space law but also the availability of space resources. It will consider equitable access both from a perspective of 'fairness' and avoiding once again locking the developing states out of a 'bonanza' simply because they are 'late to the party' and as a security issue. The major space states are increasingly declaring space to be a strategic 'asset' and if ore bearing bodies are as scarce as Elvis says they could be then wars will be fought over access and control over them. Human history is littered with such wars and both the OST and UN Charter commits us to trying to prevent that from being our future.