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Author: Ms. Miraslava Kazlouskaya
International Institute of Air and Space Law, Leiden University, The Netherlands

IN THE SEARCH FOR IMPROVEMENTS OF SPACE MINING INTERNATIONAL REGULATION: ANALOGY WITH OTHER REGIMES

Abstract

article

The resources of celestial bodies can become real economic resources for Earth's inhabitants. However, the existing norms of international space law leave much uncertainty on resources extraction and their use for commercial purposes, which is a negative and potentially destabilizing factor for both States and the private sector.

In connection with the above issues, this paper firstly examines approaches to the interpretation of the right to the extraction and use of space natural resources contained in the Outer Space Treaty. To find out which provisions can be adopted to the new regime of space resources, this paper also proposes to study the existing legal regulation aimed at the management of extraction and use, including for commercial purposes, natural resources of the High Seas and Antarctica, as well as exploring the legal regime of the geostationary orbit slots.

This paper recommends the implementation of a parallel operational system adapted from the model created for the deep seabed resources, which would ensure the balance of interests of developing and developed countries. Also, from the maritime law regime, we should adopt the idea of creating a special international body for the management of the resources of celestial bodies. Further, the author makes a comparison between the GSO and space resources as they both need proper coordination and distribution to prevent their wasteful use and maximize their value. The author concludes that the ITU system can serve as a model of how limited resources can be allocated, taking into account the concepts of equitable access, efficiency and non-discrimination. The paper describes further how these can be applicable to the question at hand, focusing on the idea of the allocation of presence on the celestial body for the extraction of its resources in order to prevent national appropriation by analogy with the GSO regime. With regard to the Antarctic regime and its applicability to space resources, the paper draws attention to the Wellington Convention, which places a strong emphasis on the protection of the Antarctic environment. The author recommends transferring of this principle for the development of international legal regulation of space mining as the destruction of the environment of celestial bodies in the course of uncontrolled activities for their exploitation will harm the further scientific exploration of outer space.