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International cooperation on the way to the Moon and Mars (2)

Author: Mrs. Héloïse Vertadier  
Open Lunar Foundation, New Zealand, heloise@breakingground.space

Ms. Chelsea Robinson  
Open Lunar Foundation, United States, chelsea@openlunar.org  
Ms. Jessy Kate Schingler  
Open Lunar Foundation, United States, jessykate@openlunar.org

PERPETUAL PURPOSE TRUST: A STEP FORWARD TO THE CREATION OF NEW PROPERTY  
RIGHTS FOR LUNAR RESOURCES

**Abstract**

In the current race for the moon, started by both space agencies and private operators, one destination gathers all ambitions: the south pole. The lunar south pole intrigues scientific interests as well as economic and strategic interests due to the presence of water ice. Extracting and using water from the lunar ice is the first step towards sustained human activity on the moon. Fundamental to support human life, it is also essential to most lunar resources extraction or transformation processes, and it is currently identified as the preferred medium for manufacturing fuels for spacecraft. But who owns that ice? What rights do they have? And is it possible to use that ice without claiming ownership? This paper will analyze a new resources property right under the form of a perpetual purpose trust (PPT). The defining feature of a PPT is that its sole beneficiary is its purpose as described in the trust agreement. This way, the following case study will explore a plurality of functional property rights regimes applicable to the different resources on the moon. The PPT offers a prototype example of a multi-stakeholder consultative process in space policy design and resource management resulting in innovative approaches to property rights regarding lunar resources.