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BRINGING PUBLIC AND COMMERCIAL INTERESTS TOGETHER: SPACE MINING AS AN
ENABLER OF SOLAR SYSTEM GOVERNANCE

Abstract

Humanity is mind-locked within political entities of nation states that execute and oversee the moral and legal limits of their will. Space exploration has been since the beginning of the space age a catalyst of international cooperation and yet, it is still limited by the political system of nation states, which is causing the very common translation costs in building international cooperation regimes, especially given the problem of the two level game (foreign policy interactions firstly sends signals home that national interests have been secured before the diplomats can effectively discuss mutually “beneficial” modes of cooperation on international level). The unilateral approaches to space mining adopted by the USA, Luxembourg, the UAE and Japan have been criticized by both members of the UN COPUOS and scholars since they do not fully address the cosmopolitan ideas enshrined in international space law. This situation of current legal uncertainty is not visibly attractive to global corporations capable of launching a space mining economy, and the recent fate of tiny startups, which were sold in order to obtain technology unrelated to space mining, finally confirms the case in point.

Space policy, nevertheless, has a significant advantage to other terrestrial policies that it has had more than a half century long legacy of cosmopolitan nature of international law governing space exploration. The upcoming new age will be characteristic by the emergence of space economy that will, firstly in history, not begin on Earth but on many mining depots across the Solar System – out of any national territory. However, we will either discuss forever how to “share the benefit” between countries on Earth, which is almost unsolvable political deadlock or discuss what role such new economy could play in the emerging Solar System governance.

The following paper proposes a new perspective on Solar System governance based on cosmopolitanism as a political theory applied to practical political model in so called cosmopolitan responsible state (CRS) and used as a guidance for the approach to national space mining legal frameworks reflecting national interests, nourishing global corporations’ business strategies of raw material exploitation, while reflecting interests of humanity stipulated in UN SDGs. This paper builds on, and extends, our own proposal how to “break the deadlock of the space mining debate” by directing the benefits directly to support the UN SDGs. While the whole strategy is based on the principle of CRS directed to responsible foreign policies overcoming national interests when dealing with global challenges such as SDGs, we additionally show how it could be used as a basis of future Solar System governance.