

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Legal Issues Relating to Emerging Space Activities on Celestial Bodies (3)

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DISCUSSING THE NEED FOR A RESPONSIBLE EXPLOITATION OF SPACE RESOURCES IN
VIEW OF THE ESTABLISHMENT OF PERMANENT HUMAN SETTLEMENTS ON CELESTIAL
BODIES: IMPLICATIONS FOR INTERNATIONAL LAW

Abstract

In recent years, the concept of responsible behavior in the context of space activities has appeared more and more frequently in international policy texts, in statements by States before COPUOS as well as in institutional texts of the United Nations. General Assembly Resolution 75/36, adopted on 7 December 2020 (Reducing space threats through norms, rules and principles of responsible behaviors) clearly addressed this issue, encouraging States to study existing and potential threats and security risks to space systems, including those arising from actions, activities or systems in outer space or on Earth, characterize actions and activities that could be considered responsible, irresponsible or threatening and their potential impact on international security.

Although everyone seems to agree on the need for a responsible behavior in space, the whole debate is far from being adequately defined. A related study by the Rand Corporation in 2021 identified specific “key problem areas” in this respect, specifically: SSA and space traffic management (STM); debris mitigation; ASAT testing; rendezvous and proximity operations (RPOs); and conflation of safety and security. However, there seems to be no reason to exclude a further extension of the need for responsible behavior to all space activities.

This paper suggests that the ‘responsible behavior’ factor should also govern and delimit the exploitation and use of space resources, both in situ, to enable and facilitate further space exploration, but also for commercial purposes. Based on this premise, the necessary legal parameters for its implementation will be sought, mainly in the context of international law, in view of its application in outer space, in accordance with Article III of the Outer Space Treaty.

The relevant analysis, however, will further consider the now emerging prospect of permanent human settlements on celestial bodies. It is obvious that the establishment of ‘space communities’, if it does take place, will inevitably redirect the approaches (both political and legal) to the issue of space resources, depending on the stance that these communities will take on this issue. Consequently, such a perspective may qualitatively redefine what is considered ‘responsible’, with a corresponding impact on the relevant legal frameworks. This is precisely what this article intends to explore.