

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

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PERSONAL AND REAL PROPERTY RIGHTS ON CELESTIAL BODIES

**Abstract**

This paper explores the differences between personal property and real property rights in outer space. It examines the types of rights which can exist over assets on celestial bodies and outlines the property laws which will govern transfers of these rights.

Generally, the ownership of real property in outer space is governed by the Outer Space Treaty of 1967, which establishes a non-appropriation rule and denotes that no country can claim sovereignty over any part of outer space, including celestial bodies. This means that no individual or company can own land on celestial bodies, and all activities in outer space must be carried out for the benefit of all humankind. As such, the concept of real property cannot exist in outer space.

However, personal property rights, which are not attached to the land and traditionally relate to movable assets, may exist. This paper will argue that these are the only types of rights that can exist in outer space, even over infrastructure that is affixed to surfaces on celestial bodies. Once this is established, the paper will explain how personal property rights in these assets may be transferred from one party to another, including drawing analogies and examining rules relating to personal property rights and regimes on Earth.

With regard to the law, the paper will examine domestic secured transactions law regimes in different parts of the world, as well as international systems of secured transactions law, such as the Space Protocol of the Cape Town Convention, insofar as their applicability to these issues.

As the in-space economy grows, secured transactions law, and security rights in space assets more generally, will grow in importance and more countries will develop rules to offer legal certainty for these matters. The paper will conclude by highlighting the important role these rights will play in the commercialization of activities on celestial bodies, and the regulatory steps necessary to offer additional certainty to businesses operating in this area. The conclusion will also include a set of recommendations for States to consider for secured transactions law reform in their jurisdictions.