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THE SPACE LAW BODY AND PRIVATE LUNAR ACTIVITIES: THE CASE OF LUNAR
RESOURCES UTILISATION.

Abstract

The exploration and utilisation of outer space have experienced substantial growth, primarily driven by the burgeoning field of commercial space activities. Nonetheless, the efficacy of the existing body of international law in governing and regulating these burgeoning private activities remains a topic of significant concern. Various lunar missions necessitate the extraction and utilisation of resources on-site. This paper investigates the probable impact of statements and actions made by States on the future development of international space law regarding activities related to space resources. It highlights the pressing need for clearer legal guidelines concerning space resource activities. The analysis will encompass relevant international law, domestic legislations, multilateral agreements, and recent global discussions regarding space resource activities. The plans for lunar exploration have assumed an international dimension, marked by the signing of various joint statements involving NASA, ESA, and other esteemed space agencies. These developments signify a vision where international partners can explore avenues for making financially and technically feasible contributions to the accords, aligning with their distinct objectives. This international dimension assumes paramount importance in translating the U.S.-led vision of lunar exploration into a tangible and collaborative program. Drawing valuable lessons from the International Space Station (ISS) program, it becomes evident that a cooperative framework with collective commitments is indispensable for ensuring long-term stability in an ever-evolving political landscape. Moreover, the rise of commercial actors within the space exploration domain can be attributed to the emergence of the "New Space" ecosystem, characterised by a substantial influx of private investments and commercial initiatives. Private companies, entrepreneurs, and investors are actively pursuing innovative industrial and business concepts to tap into burgeoning space exploration markets. Within this evolving landscape, space exploration has emerged as attractive domains for conducting commercial ventures. The UN treaties governing outer space were formulated during an era when space activities were predominantly undertaken by states for strategic and scientific purposes. However, these treaties did not expressly preclude space activities conducted by non-governmental entities, which now constitute a substantial segment of the burgeoning space industry. This analysis aims to evaluate potential legal voids or impediments associated with private lunar activities that can be effectively addressed at the international level. The objective is to foster a framework that promotes secure, sustainable, and peaceful exploration and exploitation of the Moon and its resources by private industry, all in strict accordance with the tenets of international space law.