



**International Conference on
Global Space Governance**

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Institute of Air and Space Law

Session 1-B

Global governance of natural resources indigenous to space

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Space natural resources exploitation will happen

*Space companies announce
the upcoming exploitation of space natural resources*

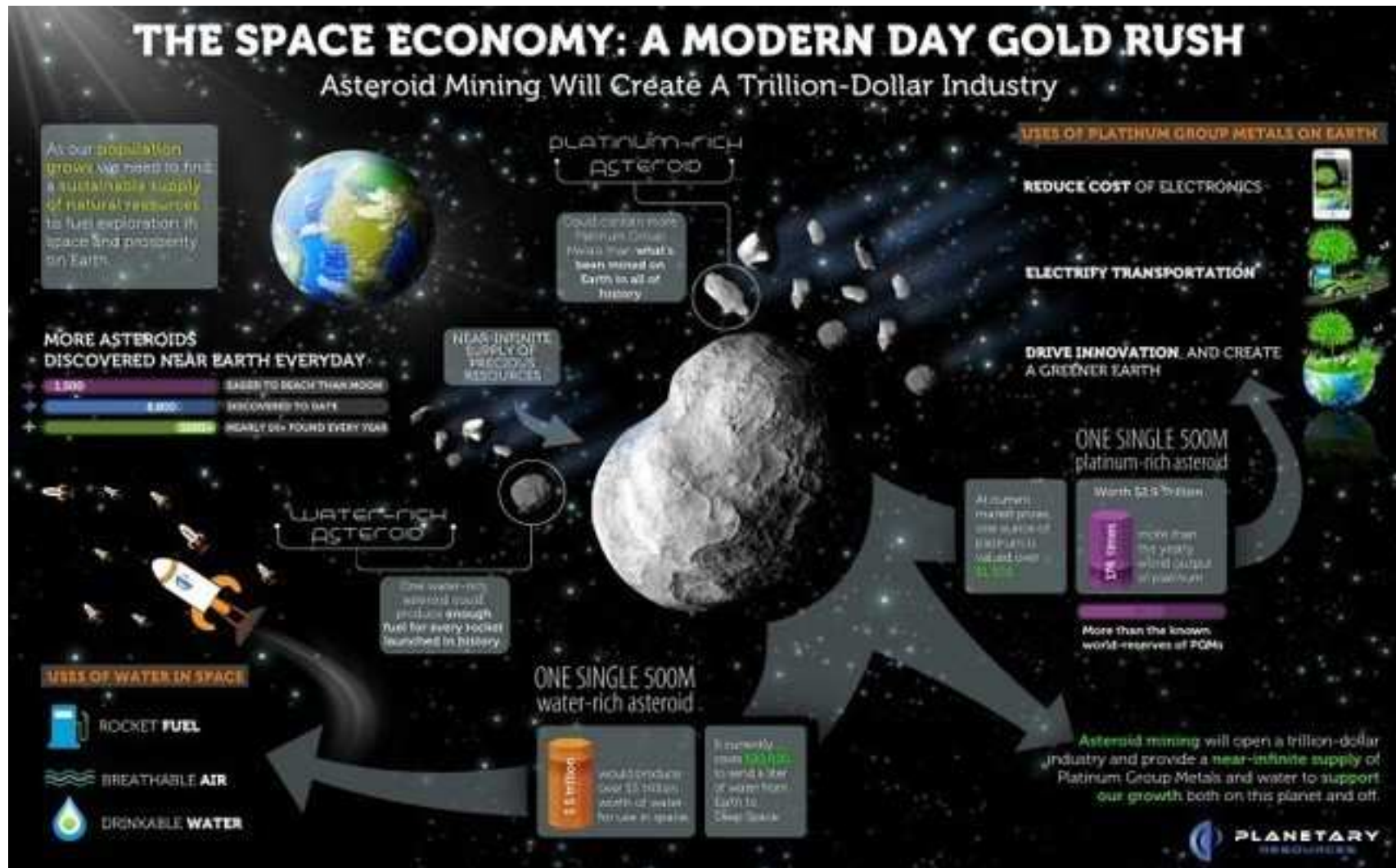


6 December 2012 - Company vision

The Golden Spike Company has been formed to monetize the exploration of the Moon through sales of expeditions and their surrounding media and merchandizing revenues.

23 April 2012 - Company Vision Planetary Resources is bringing the natural resources of space within humanity's economic sphere of influence, propelling our future into the 21st century and beyond. Water from asteroids will fuel the in-space economy, and rare metals will increase Earth's GDP.

Space natural resources exploitation will happen



Institute of Air and Space Law International Conference on Global Space Governance
Global governance of natural resources indigenous to space - 30 May 2014 - Isabelle Bouvet

Outline

I – A legal issue insufficiently tackled over the last decades

- **Relevance of the topic**
- **What consequences without concrete actions?**

II – The proposed scheme adds to the existing space law framework

Relevance of the topic

It is time for political initiative

- The Moon Agreement, 35 years later...
- Legal issue not tackled since 1979 despite opportunities:
 - The call to put in place an international regime as soon as exploitation is about to become feasible (art 11(5))
 - The renewed interest in space exploration (generating few additional ratifications)
 - The agenda item at the United Nations
- No major changes required in the existing space law framework
- Need to strengthen it while adapting to new activities

What consequences without concrete actions?

The private sector could suffer

- “First arrived first served”?
 - A new Eldorado with no rule?
 - Is that what leading nations really want? Who’s interest is this?

- Current legal framework drawbacks
 - Conflicting interests among private companies
 - Multiplication of claims over the resources
 - What guarantees for private investors?
 - International conflicts depending on the resources or the actors involved (nationality, private, public...)
 - Environmental issues: no protection of scarce resources, pollution risk
 - Human rights: future generations access to space natural resources?

Outline

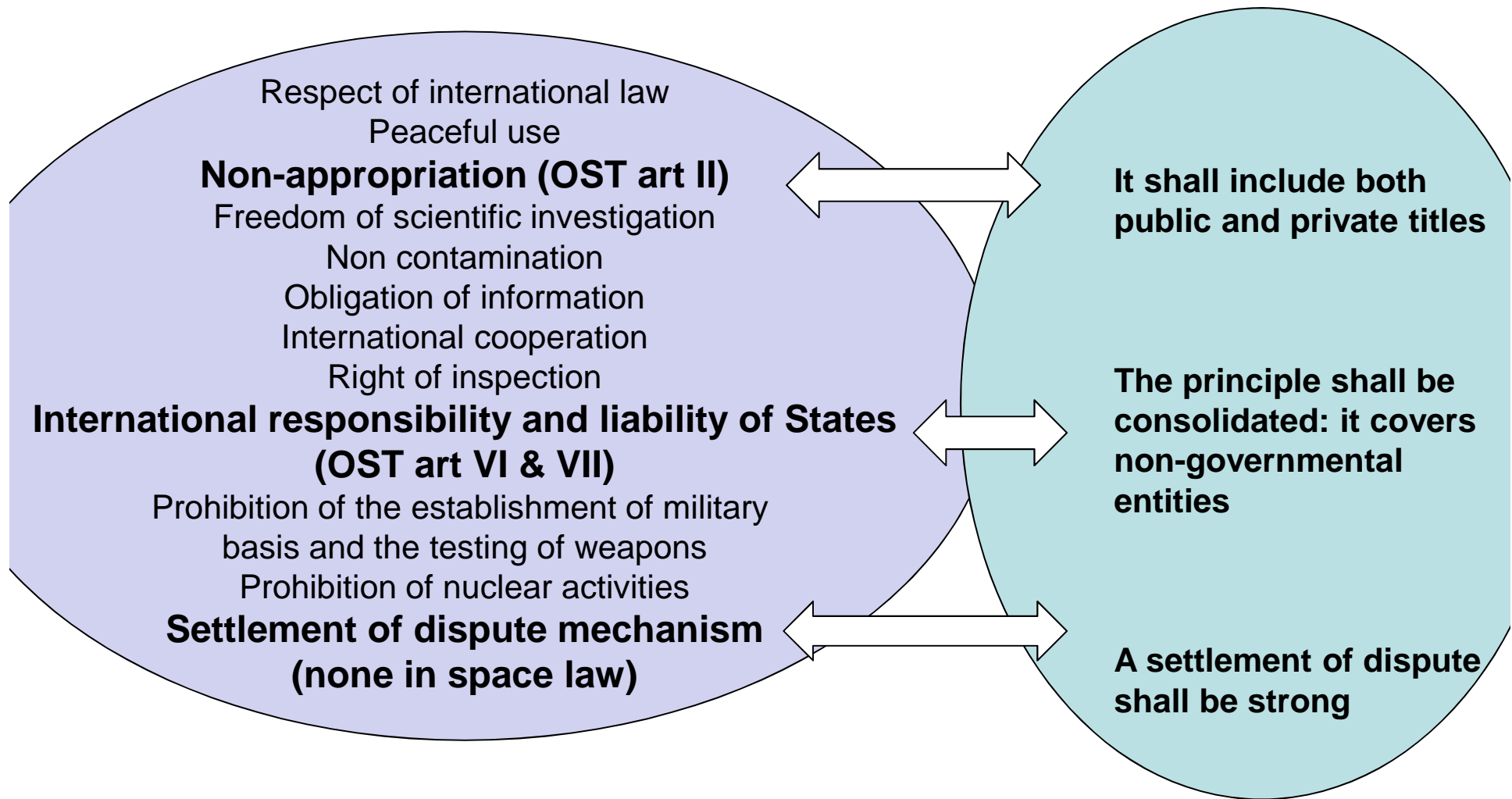
I – A legal issue insufficiently tackled over the last decades

II – The proposed scheme adds to the existing space law framework

- **The general principles**
- **The specific provisions dedicated to space natural resources**

Space law fundamental principles:

Reinforced in the new scheme - focus on 3 principles



Moon Agreement governance objectives

Implemented in the new scheme, based on art 11 (7)

- The orderly and safe development of the natural resources of the Moon
 - One by one, natural resources will have a dedicated framework
 - Step by step approach to allow flexibility
 - Implementation of the scientific preserves to safeguard some resources when needed
- The rational management of those resources
 - A management under the respect of rules
 - Environment impact assessment beforehand helps to avoid mistakes
- The expansion of opportunities in the use of those resources
 - Priorities defined on the basis of the scientific knowledge and needs
- An equitable sharing by all States Parties in the benefits derived from those resources (...)
 - Global principles are privileged
 - Binding rules are not realistic here

New scheme sustainability & reactions

- **New scheme sustainability**
 - A viable solution under conditions
 - Optimize the lessons learned of the past
 - Put in place a solid legal framework
 - International acceptance
 - Keep room for necessary adaptations
 - Respect the interest of all actors
 - Respect of scientific investigations
 - Secured commercial exploitation
 - Respect of the space environment
- **Reactions**
 - Space actors reaction
 - National perception

Final remarks

- ✓ The perception about space law needs to change
- ✓ The law cannot eradicate the conflicts, it should minimize the tensions and allow for secured new commercial activities
- ✓ A legal framework on space natural resources is a difficult milestone to reach, but an indispensable political step for all the actors
- ✓ As the exploitation “is to become feasible”, appropriate actions need to be taken