

Legal regime of natural resources of celestial bodies

Abstract

The aim of this thesis is to describe the legal regime of the natural resources of celestial bodies. In recent months and years, there has been an increase in debates regarding mining on the moon and asteroids and this thesis dedicates its seven parts to the legal regime of such activities. In particular, whether such activities are possible from the point of view of international law, how are they regulated and what are the potential future developments in this area.

In order to understand the legal regime governing the natural resources of celestial bodies, it is necessary to first become acquainted with the essential concepts of space law, including outer space, celestial bodies and outer space resources, whose definition is the subject of the first part of the thesis.

The second part describes the development of international space law, from the first mentions in legal commentary to the creation of two important international documents in this area, the Outer Space Treaty and the Moon Agreement. Both international treaties are analysed and compared in individual chapters both in terms of their international acceptance and in terms of the regulation of activities in the field of outer space resources. Subsequently, their possible future development is considered.

The third part introduces the basic principles that states should follow when drafting their national legislation. Subsequently, the relevant parts of national legislation and the opinions of selected countries are described, in particular the space faring countries, the European Space Agency and, for comparison, the European Union.

The fourth and fifth parts deal with the main research question. They offer analysis and comparison of the legal regime governing the natural resources of celestial bodies based on the Outer Space Treaty and the Moon Agreement, respectively. The Moon Agreement is given special attention despite its limited international significance, and arguments are presented in favour of its possible recognition by more states in the future. In both cases, arguments are presented that the non-appropriation principle regarding the outer space and celestial bodies, as expressed in both international treaties, does not apply to the natural resources.

The sixth part briefly describes legal regime of the seabed beyond the limits of national jurisdiction and compares its development with the development of the legal regime of outer space resources and its regulation with the regulation contained in the Outer Space Treaty and the Moon Agreement. The author then uses the seabed regime as inspiration for the possible future development of the international regime envisioned by the Moon Agreement.

The seventh and final part summarizes the findings achieved during the elaboration of the thesis.

Key words: outer space resources, celestial bodies, legal regime