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Space Resources, the Enabler of the Earth-Moon Ecosphere (5)

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LAUNCH STATUS CHECK: SPACE RESOURCE UTILIZATION LAW IN 2021

Abstract

We will review the latest developments in national and international space law and policy in order to determine the legal status of various uses of space resources. We will update and expand our previous analysis, addressing recent developments in government policy and commercial enterprise. The resulting paper will evaluate various jurisdictions in terms of whether and to what extent governments are prepared to facilitate commercial use of lunar resources, and to what extent private enterprises are prepared to take advantage of new commercial opportunities in the field. Our analysis will specifically identify and assess legal and regulatory obstacles, ambiguities, or gaps that would confront a hypothetical commercial lunar or cislunar venture that is otherwise technically equipped and has sufficient capital to identify, reach, extract, use, transport, and/or sell lunar resources. Recent developments for consideration will include the efforts by official space agencies in the United States, China, and Russia, to use lunar resources to facilitate sustainable exploration on the Moon. We will also consider legal developments in other nations, including signatories to the Artemis Accords, and others that have established policy or law regarding space resources. We will evaluate the effects that these laws and policies would have upon hypothetical commercial enterprises.