



Legal Myths Regarding the Space Private Property Debate

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Abstract

“Good fences make good neighbours” - poet Robert Frost

This paper investigates the legal myths of space ownership and whether private property can be applied to outer space territories. I will look at how asteroid mining can be regarded as a legal act performed by both government and private entity in the near future. As odd as space ownership might sound at present, future space settlements will function based on basic values that promote land and resource ownership.

Each person has purposes and according to the level of priority, he/she has choices to make in order to reach his/her needs and wants. It is obvious that in a world where life is limited and goods used to reach our goals are rare, we usually choose present goods rather than future benefits. It has been proven by social studies that living in an environment where property rights are unclear, such as at present for outer space, man tends to prefer to manifest his actions for a present benefit rather than a future satisfaction because property is a universal value of doing good or bad and respecting such rules goes beyond national borders and time constraints. Property law in all nations is relative and can significantly force people to change frequently personal plans and actions, as per each new legislative mandate, the ethics of property is universal and immutable, with a strong connection to our life since it influences what we are and how we see ourselves in society.

The concern over asteroidal ownership arises out of different ethical and legal treatment they receive. Ethically, compared to the Moon property, which, in many ways, is a more sensitive issue due to the Moon's cultural, religious and aesthetic values (worshipped by some and environmentally problematic close to Earth orbit), asteroids don't pose urgent ethical dilemmas since they can't be easily degraded by human industrial operations. Additionally, conflicting legal issues (such as various definitions of space property rights and multiple interpretations of space treaties) make viable the prospect of asteroidal property because there is no emotional attachment felt towards these celestial bodies and, if law in place, prospectors are already willing to open the future door of space mining.

This abstract describes seven legal myths regarding the space private property debate that permeates the thinking of many scholars. These myths can lead to serious misinterpretations of the role private entities have in outer space. By examining and dispelling each myth, correct conclusions can be drawn from different kinds of international principles and related planetary data associated with asteroids.

Keywords: Space ownership; Asteroidal property, International space, Space property rights.