



Status of property rights in outer space

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Abstract

Property means an item or belongings in which a person has physical possession and a lawful or legal title. Has anyone wondered about the property rights of the moon or other celestial bodies? In this article, I am going to deal with property rights in outer space. Whether the property can be claimed in outer space Is it legally possible to acquire? If yes, then how can we get possession of the property in outer space? Till now, who has all acquired the property in space? For all these questions, this article will answer them and also deal with the various treaties, like the outer space treaty and the moon treaty regarding outer space.

Keywords: Property, physical possession, rights, celestial bodies, appropriation, outer space, moon, treaty

Introduction

A particular type of international law known as "space law," or "the law of outer space," governs actions pertaining to space and is composed of a number of treaties, agreements, and conventions. Space is the region of the universe that lies outside of the earth's atmosphere and in between celestial bodies.

The term "Outer Space" refers to the entire region of space that wraps around the earth and the physical universe that is outside of its atmosphere. The celestial bodies (here), such as the moon, are part of outer space. Through satellites and other equipment, the states have made contact with space. The state's initial exploration of space through a variety of means produced a number of legal and sovereign concerns, leading to the formation of treaties and conventions [1]. Some of the fundamental principles that guide space operations are the notion that space is shared by all people, the freedom of all states to explore and use space without interference, and the idea of not exploiting space.

Basically, the space is used to examine for research and military purpose, communication service, natural resource management, disaster mitigation, environmental monitoring. One important and developing field of international law is property rights in space.

The Treaty on Principles Governing the Activities of States in the Exploration and Use of Space serves as the foundation of international space law of Outer Space, Including the Moon and Various celestial bodies, or the According to the "Outer Space Treaty," countries are forbidden to establish property rights in space. Some experts contended that only government experts are prohibited from signing the space treaty. Thus, opening a path for private entities to purchase property in space. The argument put out by some is that the ban of the Outer Space Treaty extends not only to the governments themselves but also to their citizens. This seeming ambiguity was not very important in practice until recent advances in private sector space exploration.

Treaty – outer space treaty 1967

The General Assembly adopted in 1966 after the Legal Subcommittee had discussed and approved the Outer Space

Treaty. The Treaty added a few new provisions to the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, which was first adopted by the General Assembly in its resolution 1962 (XVIII) in 1963. The Treaty came into force in October 1967 after being made available for signature by the three depository governments - the United States of America, the United Kingdom, and the Russian Federation in January 1967.

Article 2 of this treaty states that "Outer space including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means."

Regarding the issue of subject matter, it is evident that "outer space, including the moon and other celestial bodies" is covered by the national appropriation prohibition. Considering the definition of outer space, what it includes with respect to airspace, and its scope, the Treaty remains quiet. The Treaty only states that the moon and other celestial bodies are considered to be a part of outer space. According to common sense interpretation, as no one could presently appropriate all of space, only a portion of it, the restriction could not possibly refer to space as a whole, according to common sense interpretation. If a nation is able to appropriate the moon and other celestial bodies, then the prohibition may be applicable to the whole organisation. However, a feasible reading would seem to include the acquisition of a section of the moon or another celestial body as part of the restriction. It seems that a prohibition on national appropriation is largely symbolic, if any more implications might be drawn from this. Many questions have been raised like does the prohibition will extend to the collection of dust particles or other elements or mineral samples or valuable metals on the moon or other celestial bodies?

On trying to answer this question, it could be contended that if any parts of moon or other celestial bodies were found on earth it will not be considered as the prohibition of nation appropriation because of non-human intervention. There is a difference between the elements which reached earth through human intervention and non-human intervention. In the first instance the prohibition will apply but in former one it will not apply.

Further, it has been suggested that the sole organization with the right to appropriate under the definition of "national" appropriation is the United Nations, functioning as the global community's representative. Individual appropriation or acquisition by a private group or an international organization even if it isn't the UN seems to be permissible under the Treaty. This is true even in the event that future advancements in space law whether as a result of international treaties or customs forbid spatial appropriations by private citizens, corporations with legal status, or European communities. Therefore, any portion of space, including the moon, can currently be lawfully appropriated by an individual acting on their own behalf, the behalf of another individual, a private association, or an international organization ^[2].

Moon treaty 1979

An attempt was made to establish a framework for property rights to resources in space with the Moon Agreement. The Outer Space Treaty was to be reaffirmed and expanded upon, legal rights and obligations were to be made clear, and an international framework for the resource extraction on the moon as well as other heavenly bodies. Despite much discussion, the majority of the world community as well as all spacefaring states rejected the Moon Treaty. The Moon Agreement was made available for signature in 1979, but it wasn't until 1984 that it was approved by a fifth nation. Currently, 18 nations have signed the Moon Agreement. Since no country that has ever conducted a manned space mission is bound by the Moon Agreement, it is effectively a failed treaty. Space-faring nations rejected the Moon Agreement primarily because it forbade property rights and referred to celestial bodies and their resources as "the common heritage of mankind." A "international regime" was to govern space operations and decide how the world's countries would split up the benefits and earnings from space travel, according to the agreement. The international regime would comprise members without space programmes, who might make bad decisions for business because they do not face any risk, a reason why this was unattractive to the states with space programmes. As an instance, these countries might decide to levy high taxes on space activities because they would receive a portion of the tax revenue in return for not having to pay the tax ^[3]. Smaller, non-spacefaring states would have significant financial and technological incentives to utilise their status rather than launch themselves into space.

Since the Moon Agreement, there have been no ratified treaties that have sought to address the question of private property in space resources. With countries and businesses preparing to extract helium-3 on the moon, it is crucial that new proposals be made for an agreement that not only complies to the guidelines from the Outer Space Treaty, but also addresses the problems that prevented so many countries from signing the Moon Agreement.

Lunar registry portal

Though there is no legal framework or any provisions in outer space treaty for the ownership rights in moon or other celestial bodies, there are some initiatives taken by the private companies to establish precedents. The acquisition of property rights on moon can be taken from the portal called lunar registry portal. The lunar registry portal is a E-platform which is exclusively designed for registration and

purchase of property in moon. From individuals to business entities acquired the property. The goal to increase human presence beyond Earth and the growing interest in space exploration gave rise to the idea of lunar registration. While many international treaties, such the Outer Space Treaty of 1967, exclude any country from possessing celestial bodies, they do not specifically address private people' or entities' ownership rights. Lunar registry portals have been made possible by this legal ambiguity.

Lunar landowners are those who have purchased property on the moon using the lunar registry site. The people who are space enthusiast, have fond of planets, celebrities, researcher interested in this lunar registration. Still the legitimacy and enforceability of lunar ownership is in question due to the vague international regulations.

Who are all acquired land in moon?

In 1980, Dr. Dennis Hope, an American citizen, staked a claim to the Moon with the US and Russian governments as well as the UN ^[4]. Since then, he has been offering for sale properties on various planets and moons, as well as, for the big spender, the entirety of Pluto, for roughly \$25 per acre, along with portions of lunar territory. Hope claims that his firm has been profitable and that some celebrities and previous US presidents are among its current shareholders. Hope looks to the Outer Space Treaty's legal loophole that it does not specifically bar individual ownership to strengthen his claim. Interestingly, in India two celebrities had acquired land in moon named Sharukh khan (SRK) and the late Sushant singh Rajput.

In a 2009 interview, SRK said that he receives a little plot of land on his birthday each year from an Australian woman. He now owns the popular area on the moon known as the Sea of Tranquilly. An acre costs about \$37.50 (or \$1758.75), which is equivalent to 43,560 square feet or 4,047 square metres. In 2018, Sushant Singh Rajput purchased a piece of land on the moon's far side known as the Mare Muscoviense, or the Sea of Muscovy. He paid approximately 55 lakh rupees for it. He also had a Meade 14" LX-600, a sophisticated telescope that allowed him to monitor his land from the comfort of his house. On behalf of people, organizations, and corporate entities worldwide, the International Lunar Lands Registry (ILLR) is entrusted with managing and assigning real estate situated on Luna, Earth's moon, and documenting ownership claims to properties on the Moon.

Conclusion

Though, the idea of owning a land in outer space is still a contentious one. Private entity should have limited access to and usage of space resources. In order to encourage investment in innovative technology and audacious missions, the global community needs to reach unanimous agreement on a liberal interpretation of Outer Space Treaty Article II, which validates the legitimacy of private ownership of space objects ^[5]. This interpretation not only complies with the most reasonable and natural interpretations of the text, but it also establishes a fundamental step in the direction of promoting Earth's ecology, economy, and the welfare of all its citizens. The lunar registry portal gives a unique opportunity to acquire land in moon. The lunar registration portal provides a means for a number of individuals to engage with the concept of moon property ownership. Although there is disagreement

on the practicality and legality of moon ownership, the portal offers a fascinating forum for people, businesses, and governments to participate in this innovative idea and contribute to the ongoing exploration and discovery of our moon.

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