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Statement of the Board of Directors of the International Institute of Space Law (IISL)*

In 2004, the Board of Directors of the IISL, an international non-governmental organization, issued a statement relating to the issue of 'property rights' in outer space. The statement can be found on the website of the IISL, at <http://www.iislweb.org/publications.html>

In view of recent misleading views and discussions on this subject in the press, the Board considers that it is appropriate to further clarify a number of salient points as follows:

International Law establishes a number of unambiguous principles, according to which the exploration and use of outer space, including the Moon and other celestial bodies, is permitted for the benefit of mankind, but any purported attempt to claim ownership of any part of outer space, including the Moon and other celestial bodies, or authorization of such claims by national legislation, is forbidden as following from the explicit prohibition of appropriation, and consequently is prohibited and unlawful. Since there is no territorial jurisdiction in outer space or on celestial bodies, there can be no private ownership of parts thereof, as this would presuppose the existence of a territorial sovereign competent to confer such titles of ownership.

The current international legal regime is binding both on States and, through the precise wording of Article VI of the Outer Space Treaty of 1967, which has been ratified by 100 countries, including all the space-faring countries, also on non-governmental entities, i.e. individuals, legal persons and private companies. The clear goal of such a regime is to preserve outer space, including the Moon and other celestial bodies, for the exploration and use of all mankind, not only for those States and private enterprises that are capable of doing so at any particular time.

At present, international space legislation does not include detailed provisions with regard to the exploitation of natural resources of outer space, the Moon and other celestial bodies, although it does set down a general framework for the conduct of all space activities, including those of private persons and companies, with respect to such natural resources.

The IISL is of the opinion that a specific legal regime for the exploitation of such resources should be elaborated through the United Nations, on the basis of present international space law, for the purposes of clarity and legal certainty in the near future. The IISL will continue to play an active role in any such discussions as they develop.

22 March 2009

* The Board of Directors of the IISL comprises specialists in space law from all continents and various backgrounds, including past and present chairmen of the UN Committee on the Peaceful Uses of Outer Space (UNCOPUOS) and its Legal Subcommittee. This Statement is based on a proposal from the members of the IISL Directorate of Studies. The views expressed in this Statement represent a consensus among the Members of the IISL Board of Directors acting in their personal capacity, and do not necessarily reflect the views of any entities with which they may be affiliated.

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