Space Resources Extraction: The Case for a Moratorium

1. The Extractivist Model of Space Governance

Founded upon interpretations of four basic notions, each of which remain open to debate:

- The Article I freedom of use - and in particular its relationship with the Article II non-appropriation principle - and also the Article I condition of benefit-sharing.
- The status of Outer Space as a global commons.
- Urgency claims founded upon ‘survival of species’ arguments – and -
- Claims of founding customary norms based upon extractivist activities

2. Space Extractivism: Tension Points

- Securing of strategic military advantage in the race for orbital and planetary control.
- Expansion of weapons in and directed towards space for protection of commercial interests.
- Competition for minerals and other resources.
- Contestation over Lunar real estate claims.
- Private control over life sustaining resources such as oxygen and water, including: Founded upon interpretations of four basic notions, each of which remain open to debate:

3. Interregnum: Rival Legal Regimes

Space governance is in an Interregnum:

“The crisis consists precisely in the fact that the old is dying and the new cannot be born; in this interregnum a great variety of morbid symptoms appear”. (Gramsci 2)

Element of Morbidity (Stahl 2019 3)

- Undermining of multilateralism
- Hollowing out of ideological principles
- Fragmentation due to Competing Regimes
- Proliferating challenges that extend well beyond the “old” order’s capacity to resolve them

4. Call for a MORATORIUM on Extractivist Activities

If the international community is to take a considered view as to the appropriate and purposeful uses of Outer Space - and to resolve the legal interregnum in favour of a regime founded in genuine international consensus, then a moratorium is required to prevent those space activities which set in motion - trends in either the unretractable imposition of ideological infrastructures- or irreversible environmental damage to the space environment.

5. References

1. Antonio Gramsci, Selections from the Prison Notebooks (tr Nowell-Smith, Hoare, Lawrence and Wishart 2003) 276
2. JR Taggart, ‘Global Development Governance in the “Interregnum”’ (2022) 29(3) Rev Int Polit Econ 904, 905


Image: Brigadier General James W. Morehouse. Deputy Chief of Staff for Air and Space Operations

Multilateral Agreements
The Outer Space Treaty 1967
Moon Agreement 1979

Minilateral Agreements
US Artemis Accords 2020
CN Cooperation Agreements

Hollowing Out of Ideological Principles: Conflicting Interpretations

- Freedom of Use v Benefit Sharing
- Principle of Non-Appropriation v Space Mining
- Peaceful Purposes v Security of National Interests