

THE REGISTRATION OF SPACE-BASED PROPERTY

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Abstract

Any form of property interest to be held in outer space will need to be registered in order to provide notice and for the purpose of protecting it from appropriation by others. Some such property may include space resources, such as orbits and land on the Moon and Mars. Common Law Estates have been recommended as legitimate possessory property interests in space resources. However, the public registration of those interests, (however acquired), has never been defined. The legal estate is separate from the resource affected and it is a man made space object as a matter of law and fact. As such there is both an opportunity and a duty to register same with the State and with the United Nations under Article II of the Convention on Registration of Objects Launched into Outer Space, January 4, 1975. This paper will detail how that works and what alternatives are available. A conclusion is suggested that the Treaty on Registration may be available for this purpose, but that other registration procedures should be utilized prior to Treaty Registration for qualification and definition purposes. The Participating States need to work out a fair set of qualifications and standards lest they abuse this treaty which has no provision for arbitration, mediation, or other conflict resolution. The entire history of property rights and registration at common law is offered as an analogy.

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