

Reconciling the Fatigue of Space Property Rights

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Abstract : The Outer Space Treaty and the Moon Treaty have been the backbone of space law. However, scientists, engineers, and policymakers have been silent about how human settlement on celestial bodies would change the legal dimensions of space law. Indeed, these legal space regimes should have a prescription on how galactic courts should deal with the aspect of space property ownership. On this planet earth, one can vindicate his own assets. In extraterrestrial environments, this is not the case because space law is fatigued by terrestrial body sovereignty, which must be upheld. However, the recent commercialization of microgravity environments requires property ownership laws to be enacted. Space activities have mutated to the extent that it is almost possible to build communities in space. The discussions on the moon village concept will be mentioned as well to give clarity on the subject to the audience. It should be stated that launchers can now explore the cosmos with space tourists. The world is also busy doing feasibility studies on how to implement space mining projects. These activities indisputably show that the research is important because it will not only expose how the cosmic world is constrained by existing legal frameworks, but it will provide a remedy for how the inevitable dilemma of property rights can be resolved through the formulation of multilateral and all-inclusive policies. The discussion will model various aspects of terrestrial property rights and the associated remedies against what can be applicable and customized for use in extraterrestrial environments. Transfer of ownership in space is also another area of interest as the researcher shall try to distinguish between envisaged personal and real rights in the new frontier vis-a-vis mainland transfer transactions. The writer imagines the extent to which the concepts of servitudes, accession, prescription and commixes, and other property templates can act as a starting point when cosmic probes move forward with the revision of orbital law. The article seeks to reconcile these ownership constraints by working towards the development of a living space common law which is elastic and embroidered by sustainable recommendations. A balance between transplanting terrestrial laws to the galactic arena and the need to enact new ones which will complement the existing space treaties will be meticulously pivoted.

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