



The “Province of All Mankind”?

Property in Outer Space
under Public and Private International Law
& Philosophy

25-26 September 2025

COLLÈGE
DE FRANCE
— 1530 —

Samantha BESSON
CHAIRE DROIT INTERNATIONAL
DES INSTITUTIONS



PROGRAMME
DE RECHERCHE
ORIGINES

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A Conference at the Collège de France, Paris
Amph. Halbwachs, 25-26 September 2025

As it is the case in other (marine or polar) “spaces” of international law usually defined negatively as areas beyond the (territorial) jurisdiction of States, a “non-appropriation” principle applies to the outer space (art. II 1967 Outer Space Treaty; art. 11(2-3) 1979 Moon Agreement). Despite later clarifications in the 1979 Moon Agreement, States still disagree, however, about both the material scope of the principle of non-appropriation (celestial bodies only, or both the bodies and their extracted resources) and its personal scope (public appropriation in the form of sovereign claims by States only, or both public and private appropriation). They also disagree about the implications of the second, more positive principle that was added in the Moon Agreement, i.e. that of “common heritage of mankind” (art. 11(1) Moon Agreement) and about the content of the further principle of “equitable access and sharing of benefits” (art. 11(7d) Moon Agreement) that applies to the common exploitation of celestial resources. In any case, due to the limited number of State ratifications (17 to date), the Moon Agreement is not considered as an expression of universally binding customary law. The same applies to the international regime for the common exploitation of the natural resources of celestial bodies foreseen by the agreement (art. 11(5-7) and 18 Moon Agreement).

This disagreement is sharpened by the tension between those more recent principles, including non-appropriation through use, and the original principles of the international law of “areas beyond national jurisdiction”, i.e. the principle of “freedom of exploration and use” (art. I(1) Outer Space Treaty) and its twin principle, i.e. the “freedom of scientific investigation” (art. I(3) Outer Space Treaty; art. 6(1) Moon Agreement). Those original principles have been left untouched by the new ones, indeed, and seem to accommodate free appropriation of resources through use, even if those freedoms have to be “carried out for the benefit and in the interests of all countries” (art. I(1) Outer Space Treaty; art. 4(1) Moon Agreement). The same tensions between the original principles and the subsequent ones also apply within other spaces of international law such as the high seas and deep seabed and have not been resolved by the 2023 Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction.

This indeterminacy has led certain States and regional organizations to adopt domestic (public and private) legislation, develop soft law and/or conclude bilateral agreements to secure the property rights and investments of private companies authorized by those States to explore and exploit celestial bodies and their resources. Their hope thereby is to shape what is called, in international treaty law, a “subsequent practice in the application of treaties establishing an agreement”. If those States were to succeed, that practice could influence the interpretation of the Outer Space Treaty. After all, this is exactly what some States did in 1982 after the adoption of the Convention on the Law of the Sea and following their disagreements about the organization of the international regime for the common exploitation of the deep seabed resources in the convention. So-doing, they steered that regime towards the 1994 compromise and the modification of the convention that ensued and, arguably, led to that regime’s contemporary deadlock.

This situation raises numerous questions about the kind of international law of outer space the international community of peoples should aim at developing. This is especially the case if we are to prevent the “enclosure” through public and private appropriation of what art. I(1) Outer Space Treaty refers to as the “province of all mankind”. It also raises difficult questions about the state of our legal imaginary at a turning point of life on Earth. Are our legal categories themselves at risk of being prematurely “enclosed” by the binary opposition between (State) territory and space, by the opposition between the “common” and the public or the private, and by a given articulation of property to sovereignty?

This two-day conference will bring public and private international lawyers together with political and legal philosophers to discuss the complex issues raised by property in outer space, including its relations to the notions of territory, jurisdiction and sovereignty, but also the international legal status of scientific research, data and samples. The discussions will be organized around three central issues: (i) the relations between property, jurisdiction and sovereignty, and their implications in outer space; (ii) the prospects of “commoning” in outer space, and of a distinct future international institution and regime to govern the common use of celestial resources as currently discussed by the United Nations’ Committee on the Peaceful Use of Outer Space (COPUOS); and (iii) the public and common good of science, and its implications for a better distinction between scientific “exploration” and commercial “use”, exploitation or appropriation of and by science in outer space.

Speakers : Philippe Achilleas (University of Paris-Saclay); Michael Byers (University of British Columbia, Vancouver); Isabel Feichtner (University of Würzburg); Stephan Hobe (University of Cologne); Maria Manoli (University of Aberdeen); Michela Massimi (University of Edinburgh); Alex Mills (University College, London); Margaret Moore (Queen’s University, Ontario); Yannick Radi (Catholic University of Louvain); Lukas Rass-Masson (University of Toulouse Capitole); Anna Stilz (University of Berkeley); Fabio Tronchetti (University of Northumbria); Jonathan B. Wiener (Duke University, Durham); Katrina M. Wyman (New York University).

8.30-9.00

Property in Outer Space: Context, Stakes and Possibilities

Samantha Besson, Collège de France

9.00-9.15

Outer Space Exploration and Use: What Resources Out There?

Alessandro Morbidelli, Collège de France

& Co-coordinator of the *PEPR Origins: From Planets to Life* Research Project

Panel 1 (9.15-13.30):

Sovereignty, Jurisdiction and Property in Outer Space

9.15-9.45

Sovereignty, Territorial Jurisdiction and Property:

an Inextricable Triangle in Space Law

Stephan Hobe, University of Cologne

9.45-10.15

Sovereignty and Property in Celestial Resources

Anna Stilz, University of Berkeley

10.15-10.45

Space and Locke

Katrina M. Wyman, New York University

10.45-11.15: Coffee break

11.15-11.45

Property in Outer Space and Competition between Legal Orders

from a Private Law Perspective

Lukas Rass-Masson, University of Toulouse Capitole

11.45-12.15

Private International Law and the Possibility of Extraterrestrial Property

Alex Mills, University College London

12.15-12.30

Comment

Isabelle Sourbès-Verger, CNRS & EHESS, Paris

12.30-13.30

Panel Discussion

All panellists and participants

13.30-14.30: Lunch break

Panel 2 (14.30-18.15):

Possible International Legal and Institutional Regimes

for the Use of Outer Space, including Commoning

14.30-15.00

Outer Space and the Rule of Law: A Pendulum between Conflict and Harmony

Maria Manoli, University of Aberdeen

15.00-15.30

International Space Law Facing the Commercial Exploitation of Celestial Body Resources

Philippe Achilleas, University of Paris-Saclay

15.30-16.00

Que le jeu commence! Commercial Space Mining and the Politics of Treaty Interpretation

Michael Byers, University of British Columbia

16.00-16.30: Coffee break

16.30-17.00

Commoning Outer Space

Isabel Feichtner, University of Würzburg

17.00-17.15

Comment

Niki Aloupi, University of Paris Panthéon-Assas

17.15-18.15

Panel Discussion

All panellists and participants

Panel 3 (9.00-12.45):

*The Relations between Scientific “Exploration”
and Commercial “Exploitation” of Outer Space*

09.00-09.30

*Rethinking “Common Heritage of Mankind” in the 21st Century:
a Pathway towards Enabling Lunar Activities for the Benefit of All*
Fabio Tronchetti, University of Northumbria

09.30-10.00

Lunar Grabbing. On Scientific Commoning in Outer Space (and Oceanic Seabed too)
Michela Massimi, University of Edinburgh

10.00-10.30

*Scientific Exploration & Commercial Exploitation of Celestial Bodies
in Territorial Nullius*
Margaret Moore, Queen’s University, Ontario

10.30-11.00: Coffee break

11.00-11.30

*Space as Province, Property and Planetary Protection:
Risk and the Rise of the Interplanetary*
Jonathan B. Wiener, Duke University

11.30-11.45

Comment
Stéphanie Ruphy, Ecole normale supérieure, Paris

11.45-12.45

Panel Discussion
All panellists and participants

12.45-14.00: Lunch break

Panel 4 (14.00-16.15):

General Conclusions and Discussion

14.00-14.30

General Conclusions
Yannick Radi, Catholic University of Louvain

14.30-16.00

General Discussion
introduced and chaired by Young Researchers
Katia Coutant, Doctoral student in Public International Law,
University of Paris-Nanterre
Alban Guyomarc’h, Doctoral student in Private International Law,
University of Paris Panthéon-Assas & Collège de France
Yann Robert, Doctoral student in Political Philosophy,
University Jean Moulin-Lyon 3
All participants

16.00-16.15

Concluding Remarks
Samantha Besson, Collège de France

The conference will take place in English, without simultaneous translation.

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Organization : Samantha BESSON, Chaire Droit international des institutions

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Image : Camille Flammarion

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Thomas Römer
Administrateur du Collège de France
11, place Marcelin-Berthelot, 75005 Paris
www.college-de-france.fr

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