

Gavel to Gavel: Wishing on the moon

What's the legal definition of lake? I don't know, either, but driving by Lake Hefner, one wonders. Once covered in water, it's now a red dirt sailboat parking lot.

We need water, and not just in Oklahoma. The whole world needs water.

There may be an answer on the very distant horizon, as entrepreneurs cast a longing gaze skyward.

Moon craters may store as much as 600 million metric tons of water ice. This ice, when melted, provides relatively pure, clean H₂O. We just need to go get it.

Who owns that water ice? What a great opportunity for lawyers!

The Outer Space Treaty of 1967, signed by all space-faring nations, forms the basis of space law. It prohibits countries from exercising territorial sovereignty over the moon, among other celestial bodies. Anyone with enough cash and a rocket ship can go there and start mining away.

Not so fast. Who's to say that, once you mine the water ice, you own it? That subject isn't covered by the Outer Space Treaty, or any other treaty, including the Moon Treaty of 1979, which attempted to establish a system to govern use of moon resources.

Space lawyers analogize the issue to deep-sea fishing. Once beyond national borders, there's no sovereignty; thus, fish are free game. The same principle should apply here, right?

Yes and no. Beyond tacitly agreeing that high seas and the fish therein are owned by no one until caught, fishing is a relatively cheap enterprise.

However, if you plunk down billions of dollars to run to the moon and mine water ice, you want more than a general understanding that you won't be sued or your bounty won't be confiscated upon your return to Earth.

Comprehensive legislation, followed by new treaties, is in the works. Perhaps companies will spend the bucks to run to the moon and bring back water. Other countries would likely follow. Lake Hefner awaits.

I've always liked that song, Man on the Moon, by R.E.M.:

If you believed they put a man on the moon/Man on the moon/If you believe there's nothing up his sleeve/Then nothing is cool.

Kind of makes you want to go get that water, doesn't it?