

Legal Issues Related to Space Exploration (13)

Present and future regulation of space exploration and exploitation: general issues (1)

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MISCONCEPTIONS ABOUT THE MOON AGREEMENT

Abstract

Significant vociferous opposition has been expressed both in the legal literature and in various political fora against the 1979 Moon Agreement as a viable legal regime for the exploration and exploitation of the natural resources of the Moon and other celestial bodies, particularly by the private sector. This paper argues that such opposition is mainly based on several misconceptions, and sometimes ignorance, of the provisions of this last space treaty that was unanimously adopted by the United Nations General Assembly (on the recommendation of its Committee of Peaceful Uses of Outer Space). Therefore, the paper attempts to refute the bases of such opposition and argues that, at this stage, the international community (especially the moon-faring nations) should accept the 1979 Moon Agreement as an interim legal regime to guide the orderly exploration of the lunar natural resources by States and private entities in order to pave the way for possible exploitation of such resources under a definitive legal regime that might be created in the future, if and when needed, under the auspices of the provisions of the 1979 Moon Agreement.