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BACK TO THE MOON: LEGAL CHALLENGES FOR FUTURE LUNAR EXPLORATION.

Abstract

46 years after the last Apollo mission, a new era of human lunar exploration is about to start.

While ESA Director General Jan Woerner has announced in 2016 the concept of a *Moon Village*, as "an environment where both international cooperation and the commercialisation of space can thrive", in 2017 Roskomos General Director Igor Komarov has revealed a cooperation agreement with NASA to build the first lunar space station.

Legally speaking, these announcements suggest two opposite models for future lunar exploration.

On one hand, the US-Russia partnership for the establishment of a lunar space station remains in the traditional path of intergovernmental cooperation. Having in mind the success of the International Space Station (ISS), it is likely that a similar Intergovernmental Agreement (IGA) will be developed between the two countries and other eventual partners.

On the other hand, ESA's concept of a *Moon Village* seems to suggest a completely unprecedented approach, as it has been conceived as a public-private partnership. Significantly, a Japanese start-up named "ispace" has recently collected nearly 100 million dollars of investments to implement its project of a *Moon Valley*, which would perfectly fit into the *Moon Village* concept. Precisely because of this, the legal framework of the *Moon Village* will need to be as open as possible. Considering the one-party dominance of NASA under the ISS' IGA, an alternative, simpler and more flexible approach could be based on a reasoned application of Articles VI-IX of the Outer Space Treaty.

The perspective paper will analyse these two legal models, going through their main features so to present relevant advantages and drawbacks in light of the future human exploration of the Moon.