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30 Years of the Moon Agreement: Perspectives (2)

Author: Prof. Maureen Williams
Chair, ILA Space Law Committee, UK & UBA, Conicet, Buenos Aires, Argentina,
maureenw777@yahoo.co.uk

THE MOON AGREEMENT IN THE CURRENT SCENARIOS

Abstract

In 1979 the Moon Agreement came into force after reaching its fifth ratification. Between then and the present time a myriad of changes have taken place in the international and regional scenarios. Disagreement surrounding the interpretation of Article 11 remains outstanding and possibly accounts for the very cautious support this instrument received from the international community over the last thirty years.

This paper will analyse the possible reasons converging to create a stumbling block to this matter and will suggest possibilities to ease the way for the Moon Agreement to be more consistent with the present time. To this end, a comparative study of the analogies and differences underlying the law of the sea and the international law of outer space will be carried out including, *inter alia*, a brief discussion on the anachronism of the "five-ratification requirement" in today's world and the way opinion is moving on the international arena. Account will also be taken of the fact that states are not too willing to engage in further commitments arising from the creation of new international rules on the subject.

A word on the environmental aspects of the Moon Agreement will also be added, with a view to establishing whether its provisions on the matter are really an advancement on those underlying the 1967 Treaty. Finally some thoughts shall be included on the long-standing controversy over rights of ownership on the Moon, triggered by article II of the 1967 Treaty and which, certainly, the Moon Agreement does not solve.