

53rd COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
30 Years of the Moon Agreement: Perspectives (2)

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MOON AGREEMENT - THE WAY FORWARD ...

Abstract

Consequent to the historical landing of the first human on Moon's surface in 1969, which raised hopes on availability of natural resources and possibility of their exploitation by Earthly states, the process of formulating a separate legal instrument was taken up in 1970 to govern the use of such natural resources, which culminated into an agreement in 1979. Barring the slow progress on Treaty making, adaptation and adherence processes, lunar explorations were pursued vigorously till 1976 by USA and the then USSR. After a short span of second phase of exploration in 90s, the new millennium ushered in rejuvenation to the lunar exploration among leading space-faring nations, which resulted in successful launch and operation of advanced lunar missions. The results of these missions have confirmed the presence of various mineral deposits, water molecules, ice deposits and even craters with long tunnels for possible human habitats and hence truly excited not only the scientific community but also the entire humanity. Ambitious programmes and strategies for further exploration of moon and other celestial bodies as envisioned by various space-faring nations, call for the true spirit of international cooperation for mutual benefits of exploitation of resources, beyond sharing of scientific results. However, the legal pedestal in this direction has not been progressing.

The reservations of few nations on interpretation and application of the principle of 'Common Heritage of Mankind' [CHM] with regard to exploitation of resources, probably has been overarching other positive aspects. It is attempted to revisit the causes for setback on such issues. The experiences on application of the CHM principle with respect to other International Spaces will also be taken support of.

With the encouraging results on availability of natural resources, can it be construed that time has matured for considering the establishment of an international regime? Recent initiatives of few State Parties to Moon Agreement and few international organizations at multi lateral forums, calling for wider acceptance of this agreement by all states, are considered as positive progress. It is proposed to analyse Article 18 and to look for prospects in the context of ongoing efforts. The attempt for revision made in 1994, reminds that the need of the hour could be nothing less than a 'collective political will' among the states, which otherwise would lead to a topic of international conflict and ultimately disappoint the future generation from reaping the true benefits of space.