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30 Years of the Moon Agreement: Perspectives (2)

Author: Ms. Fuki Taniguchi  
Japan Aerospace Exploration Agency (JAXA), Japan, taniguchi.fuki@jaxa.jp

A CONSIDERATION ON AN INTERNATIONAL REGIME OF THE MOON AGREEMENT

**Abstract**

In 1967, the Outer Space Treaty that provides fundamental rules on space activities entered into force. Today, the number of member states are 100 countries, including all countries which actually performs space activities. On the other hand, concerning the Moon Agreement that entered into force in 1984 as the agreement to complement the Outer Space Treaty, the number of member states is only 13 countries, and additionally all countries which has actually explored the Moon have not ratified it. The reason that make these space faring countries hesitate to ratify is that this agreement provides more restrictions to space faring nations than the Outer Space Treaty. For example, the Moon Agreement defines the natural resource of the Moon as “the common heritage of mankind(CHM)”, and requires to establish an international regime to govern the exploitation of the natural resources of the moon in Article 11.5. Additionally, in Article 11.7.d, this agreement provides equitable sharing by all State Parties in the benefits derived from those resources. Concerning this point, almost all space faring nations hesitate to ratify this agreement. However, there is possibility that a nation overhunt the natural resources on the Moon in the future, therefore we should consider the international regime to govern the exploration activities on the Moon to protect the international common benefit. From the view of these points, in this paper, I would like to point out that the Moon Agreement provides stricter provisions to space faring nations than other treaties form the view of national sovereignty, property rights and exploration activities, and ensure the implementation of treaties by comparing this agreement to the Antarctic Treaty and the Convention on the Law of the Sea. It is valuable to compare these treaties because the Antarctic Treaty established an international regime which is ratified by all major players including developed countries, and the Convention on the Law of the Sea defines the natural resource as CHM as well as the Moon Agreement. And I would like to evaluate the likeliness of making the regime with the participation of the space faring nations, based on the Moon Agreement work. At last, I conclude by suggesting how an international regime under the Moon Agreement ought to be, after considering how this agreement could be improved to enable to be put into practice.