

61st IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Space law at Unispace +50: consequences and future perspectives (4)

Author: Mr. Dennis O'Brien
Space Treaty Project, United States

UNISPACE +50: TIME FOR THE MOON TREATY

Abstract

Legitimate concerns have been raised about the viability of private enterprise in outer space under the “Common Heritage of Mankind” and the “international legal regime” mandated by the Moon Treaty. The proposed solution is to allow private property rights in outer space and to remove from the Moon Treaty the authority to create economic mechanisms that would assure all humanity would benefit from space commerce.

Proposed change: “The moon and other cosmic bodies and their natural resources are the common heritage of mankind to explore and to use. While the moon is a subject of interest for mankind as a whole this does not imply that the moon and its resources are the property of mankind or that rents should be collected by an international authority for their use.”

That solution is not only harmful to humanity, but also to free enterprise. Businesses/investors need the certainty that a legal regime provides to make rational economic decisions. Humanity needs the protections that a legal regime provides so that everyone will share the benefits realized from the exploration and use of outer space.

Rather than shy away from the Moon Treaty, nations and international organizations should embrace the opportunity to create an international regime of laws that meets the two goals of certainty for commerce and protection for humanity.

We are currently living in an age when war, violence, and neglect are weighing heavy on the human spirit. People are increasingly feeling out of control of their own lives and are losing hope for the future. Our mission, the mission of the Moon Treaty, is to restore that hope, to create that shining city on the hill that will light the way for all.

This is not the time to shy away from our responsibilities. There will be only one time when humanity leaves its home planet, one chance to establish a pattern that will ripple far into the future. Full implementation of the Moon Treaty will protect businesses and release the creativity and innovation that have long been the hallmark of free enterprise. At the same time, it will ensure that all of humanity benefits from space exploration and commerce, that no one is left behind.

As Klaatu reminded us, the choice is ours.

(Full memorandum, including detailed analysis of how different types of “economic rights” can be assured while maintaining the CHM, is at <http://www.spacetreaty.org/space.law>)