

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Interactive Presentations - IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (IP)

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THE ISSUES OF KEY CONCERN REGARDING SPACE MINING: REVISIT OF THE MOON
AGREEMENT FROM THE CHINESE PERSPECTIVE

Abstract

The Moon Agreement provides that the Moon and its natural resources are the common heritage of mankind, and the international regime governing the exploitation of the resources shall be established when such exploitation is about to become feasible. The Moon Agreement has not been accepted by most important space-faring countries. However, as the technology for space mining is developing rapidly, yet there is still no international legal regime in this regard, the significance and necessity of rethinking the role of the Moon Agreement become increasingly prominent. China has started its journey of lunar exploration, and the exploitation of lunar resources has been put on the agenda. Under such practical background, and considering that the US and Luxembourg have enacted domestic laws promoting space resources exploitation, it is thus important for China to consider whether it shall review or even join the Moon Agreement. This paper will examine the negotiation history, current problems, implementing practice and future development, and then discuss the rationales, advantages and disadvantages, feasibility and impacts for China to review or join the Moon Agreement. On the one hand, it is a good opportunity for China to participate positively in or even lead the international legislation regarding space mining, and make clear the legal restriction on space resources exploration activities. On the other hand, reviewing or joining the Moon Agreement involve complicated legal, political, economic, technical issues, and shall be taken into consideration with the negotiation development, the stances of other space-faring countries, etc.