

Interactive Presentations (IP)
Topic 12 - Interactive Presentations (12)

Author: Mr. Dennis O'Brien
Space Treaty Project, United States, dennisobrien@spacetreaty.org

CLOSING THE GAP IN SPACE LAW: AN IMPLEMENTATION AGREEMENT FOR THE MOON
TREATY THAT SUPPORTS PRIVATE ACTIVITY WHILE PROTECTING ESSENTIAL PUBLIC
POLICIES

Abstract

There is currently no internationally recognized mechanism for granting property rights to anyone for any location in outer space. The current controlling international law is the Outer Space Treaty of 1967, which prohibits any one country from appropriating anything in outer space:

“Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.”

Most countries agree that this prohibition against appropriation prevents any country from granting property rights on its own authority. A small minority disagree, enough so that the potential for dangerous conflict has grown.

The Space Treaty Project has proposed a ten-paragraph Implementation Agreement for the Moon Treaty that is based on four organizational principles:

1) The Agreement must be comprehensive and support all private activity; 2) The Grand Bargain: Trade private property rights for public policy obligations; 3) Defer issues currently at impasse (e.g., monetary sharing of benefits) by creating a governance process for making future decisions; 4) Build upon and integrate current institutions and processes.

The Moon Treaty provides the international authority to grant property rights. Article 11 does not prohibit ownership; it just prohibits any one country from granting it. The proposed Implementation Agreement provides the minimum framework of international law that is necessary at this time for public and private activity on the Moon and beyond.

At this moment in time, it is space law itself that needs capacity building. The current framework is inadequate, resulting in endless arguments over the meaning of outdated agreements.

The hopes and dreams of individuals and groups to create new societies in outer space are just as important as the entrepreneurship of those seeking to engage in space commerce. Both must be recognized, honored, and nurtured if humanity is to leave our home planet in a sustainable manner.

The mission of space law must be nothing less than to restore hope, to inspire humanity by giving the people of our planet a future they can believe in. To counter the despair of war and violence and neglect. To build that shining city on a hill that will light the way for all.

There will be only one time when humanity leaves our home world, only one chance to create a new pattern that will lead humanity - and each person - to their best destiny. That time is now.