

International Cooperation for Space Exploration (1)
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CLOSING THE GAP IN SPACE LAW: AN IMPLEMENTATION AGREEMENT FOR THE MOON
TREATY THAT SUPPORTS ALL PRIVATE ACTIVITY WHILE PROTECTING ESSENTIAL
PUBLIC POLICIES

Abstract

The topic of international cooperation in outer space is more important now than even a year ago. Since then, the Trump administration issued an executive order that renounced the Moon Treaty and asserted that any private entity could use the Moon however they wanted, including mining resources, without any cost or regulation. The subsequent Artemis Accords repeated this assertion, regulating only those missions that would be done under contract for NASA and partner space agencies. A Space Force was created to protect such economic interests. Many are now beating the drums of war, predicting international conflict over the Moon's resources.

There is currently no internationally recognized mechanism for granting priority rights for use of 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. Most countries agree that this prohibition prevents any one country from granting property/priority rights on its own authority. A small minority disagree, enough so that the potential for dangerous conflict has grown.

The Space Treaty Institute 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/priority 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/priority rights. Article 11 does not prohibit them; it just prohibits any one country from granting them. 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. It is space law itself that needs capacity building.

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.