

Chapter 6

Main Contents and Comment on the 1979 Moon Agreement of 1979

ABSTRACT

This chapter explains the ratification, main contents, and prospect of the 1979 Moon Agreements. The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, better known as the Moon Treaty or Moon Agreement, is a multilateral treaty that turns jurisdiction of all celestial bodies (including the orbits around such bodies) over to the participant countries. Thus, all activities would conform to international law, including the United Nations Charter. It has not been ratified by any state that engages in self-launched human spaceflight or has plans to do so (e.g., the United States, the larger part of the member states of the European Space Agency, Russia [former Soviet Union], People's Republic of China, and Japan). As of January 2019, 18 states are parties to the treaty. As the current Moon Agreement has emerged as a problem as the United States and other major powers are not joining it, many lawyers, professors, and scientists urged that the powers ratify it quickly.

6.1. INTRODUCTION

The *Agreement Governing the Activities of States on the Moon and Other Celestial Bodies*, better known as the Moon Agreement, is an international treaty that turns jurisdiction of all celestial bodies (including the orbits around such bodies) over to the international community. Thus, all activities must conform to international law (notably this includes the UN Charter).

In practice it is a failed treaty since it has not been ratified by any nation which engages in self-launched manned space exploration or has plans to do so (e.g. the United States, some member states of the European Space Agency, Russian Federation, People's Republic of China, Japan, India and the Republic of Korea etc.) since its creation in 1979, and thus has a negligible effect on actual space-flight.¹ After ten more years of negotiations, the Moon Agreement was created in 1979 as a framework of laws to develop a regime of detailed procedures.

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6.2. RATIFICATION

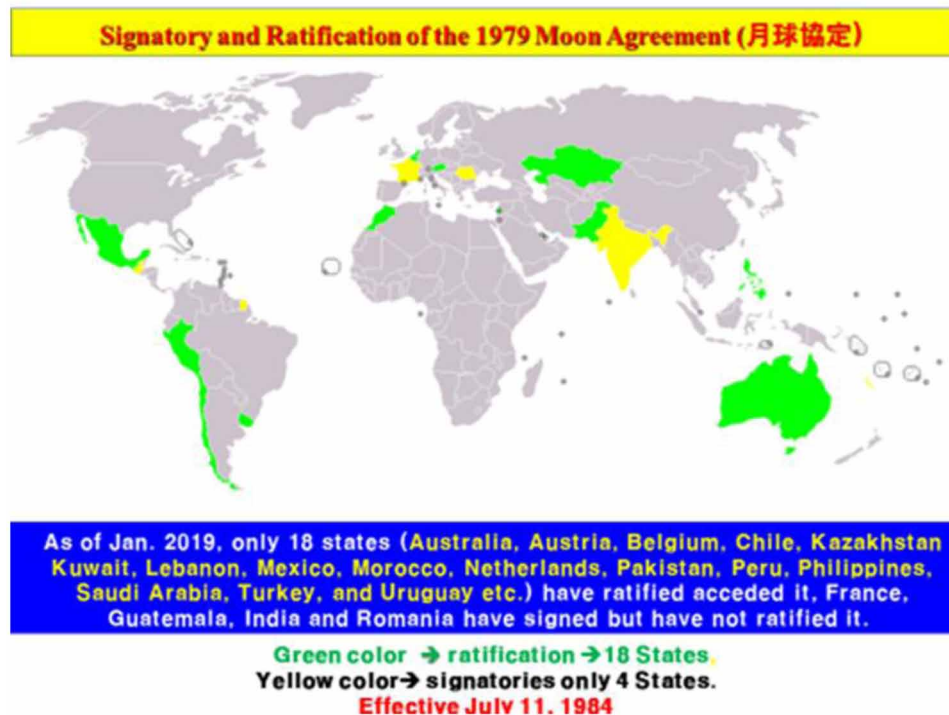
The Moon Agreement of 1979 and, after satisfying the condition requiring five ratifying states, it entered into force for the ratifying parties in 1984. As of January 2019, 18 states (Armenia, Australia, Austria, Belgium, Chile, Kazakhstan, Kuwait, Lebanon, Mexico, Morocco, Netherlands, Pakistan, Peru, Philippines, Saudi Arabia, Turkey, Uruguay and Venezuela) are ratified and acceded.

Four additional states, France, Guatemala, India, Romanian have signed but not ratified the treaty. The Moon Agreement opposed ratification of the treaty by the United States Senate.

The last effort culminated in June 2018 after eight years of negotiations, when the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) held a high-level meeting in Vienna, Austria that tried to produce a consensus on a framework of laws for the sustainable development of outer space, but it also failed to do so²when S. Neil Hosenball, who is the NASA General Counsel and chief US negotiator for the Moon Agreement, decided that negotiation of the rules of the international regime should be delayed until the feasibility of exploitation of lunar resources has been established.³

If rights to economic benefits cannot be guaranteed, there will be little if any private investment.⁴ So seeking clearer regulatory conditions and guidelines,⁵ private companies in the US prompted the US government and legalized space mining in 2015 by introducing the US Commercial Space Launch Competitiveness Act of 2015.⁶ Similar national legislations legalizing extraterrestrial appropriation of resources are now being replicated by other nations, including Luxembourg etc.⁷

Figure 1.



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