The Future of Sustainable utilization of resources on the Moon: a new international legal regime?

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Outer space activities are increasingly bringing the international (scientific) community to upper stages of knowledge and awareness. With particular reference to Lunar exploration, general involvement of all States (also within a context of public-private partnerships initiatives) towards the principle of sustainable utilization of lunar resources shall represent an important requirement for the future of all Mankind.

Thus, the safeguarding of lunar environment (the equitable/intragenerational utilization of its resources) shall represent a critical issue for the whole evolutionary framework of the Corpus Iuris Spatialis.

Firstly, the principle herein shall be taken into examination under the provisions laid down in the Agreement governing the Activities of States on the Moon and other Celestial Bodies. Accordingly, article 11 states “the moon and its natural resources are the common heritage of mankind”[..]; as well, “The moon is not subject to national appropriation by any claim of sovereignty, by means of use or occupation, or by any other means..” (paragraph 2)

Secondly, other concerns may also take into account: a) the perspective of ISRU (in situ resources utilization) processes, which shall take place towards sustainability means b) the undertaking of well balanced measures in exploring and using natural resources vis-à-vis adverse changes in lunar environment (article 7, par. 1, Moon Treaty). In addition, besides the terms pursuant to the establishment of peaceful use of (space) lunar activities, an adequate consensus shall be called upon States beyond the status quo.

In conclusion, the aferomentioned background shall also consider the adoption of a comprehensive Additional Protocol to the Moon Treaty concerning the sustainable utilization of lunar resources. Arguably, this progressive framework may also be welcomed as milestones towards further legal developments in international space law.