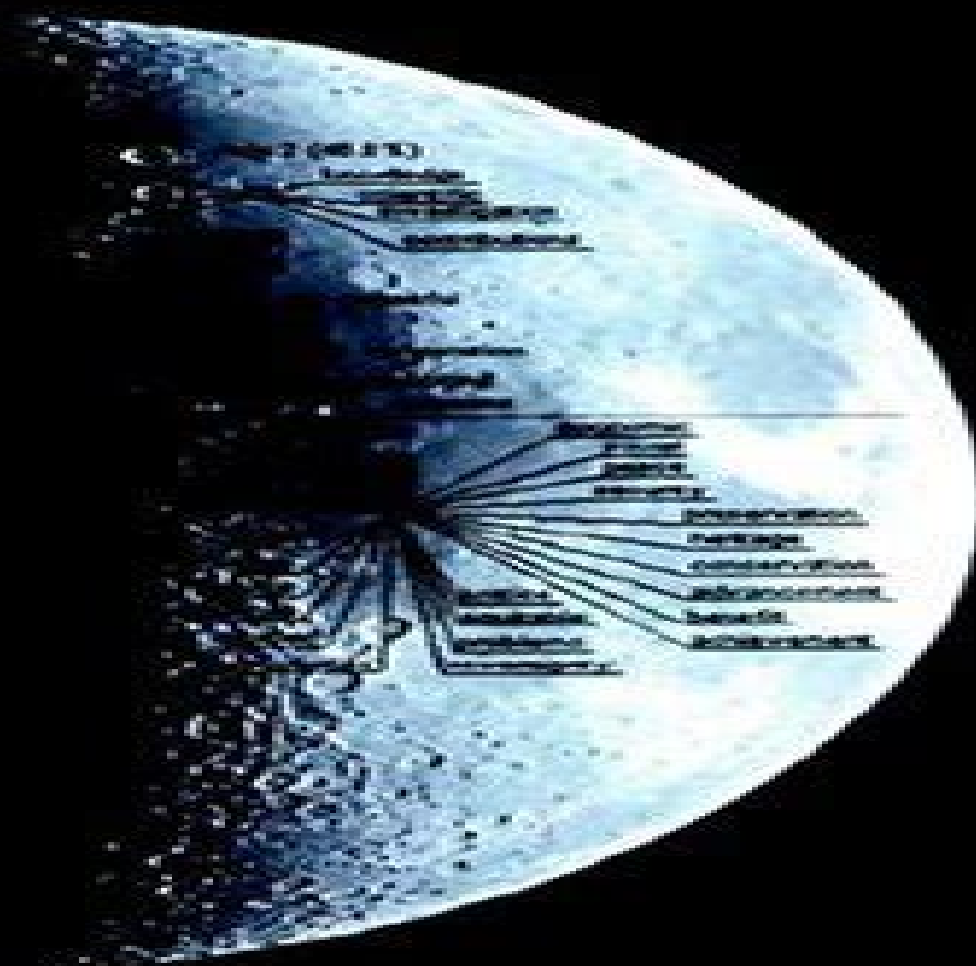


THE MOON TREATY PARADOX



HAROLD W. BASHOR, JR.

The Moon Treaty Paradox

Philip De Man



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Moon Treaty Paradox Harold W Bashor, Jr JR,Xlibris Corporation,2004-10-01 Palatino Roman The moon the stepping stone to exploring the unknown of outer space is an extremely hostile environment without an atmosphere and climate comparable to that of Earth Despite such forbidding characteristics however the moon has recently attracted attention as China the ESA NASA and even commercial enterprises plan missions to the moon in the near future This new race to the moon could be a source of future conflict but the moon is not devoid of legality The Moon Treaty entered into force with five member states on December 1 1984 However as of January 1 2004 only ten states have ratified the treaty which has been interpreted as placing a moratorium on any lunar exploitation Although the comparable Antarctic Treaty has had a limited number of members its impact has nevertheless been considerable Also a number of international agreements have developed under the auspices of the Moon Treaty s predecessor the comprehensive Outer Space Treaty These agreements have all contributed to the establishment and strengthening of international space law However the controversial Moon Treaty is considered to have future effects on the political economic and security interests of the international community as a whole by encompassing the Common Heritage of Mankind principle The purpose of this study is to investigate the low level of ratification of the Moon Treaty and to examine whether and to what extent the parent Outer Space Treaty the Moon Treaty subsequent U N resolutions bilateral treaties and unilateral actions can create together or independently a legal regime for the moon that could be claimed to be valid erga omnes applicable to all The study thus includes a general discussion of the provisions rules and norms of international law Although the pacta tertiis rule which only binds nations with their consent is undoubtedly recognized as a basic rule of international law there exist exceptions or qualifications to that rule with respect to the Moon Treaty and in this case pacta tertiis might not be as strict as once believed It is argued that certain provisions found in the Moon Treaty are expressions of customary law or have acquired customary law status since they have been recognized and accepted by the international community Therefore the study contains a detailed analysis of the Moon Treaty including content textual analysis and recourse to its travaux préparatoires Emphasis is also placed on provisions of similar treaties for hostile environments such as the Antarctic Treaty and the Convention on the Law of the Sea Since the Moon Treaty is not the sole source of law relating to the international commons it has been necessary to examine to what extent these and other legal instruments may be relevant for the creation of customary international law for the moon The existence of these somewhat overlapping and sometimes colliding legal systems is the nucleus of this work

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legality The Moon Treaty entered into force with five member states on December 1 1984 However as of January 1 2004 only ten states have ratified the treaty which has been interpreted as placing a moratorium on any lunar exploitation Although the comparable Antarctic Treaty has had a limited number of members its impact has nevertheless been considerable Also a number of international agreements have developed under the auspices of the Moon Treaty The Exploitation of Natural Resources of the Moon and Other Celestial Bodies Fabio Tronchetti,2009 The purpose of this book is to propose a legal regime to govern the exploitation of natural resources of the moon and other celestial bodies Considering on the one side the interest shown by states and private operators to extract and use extraterrestrial natural resources and on the other the absence of specific rules dealing with such an option the establishment of a legal framework to regulate the exploitation of natural resources of the moon and other celestial bodies is needed so as to ensure its peaceful safe and orderly development

The Space Treaties at Crossroads George D. Kyriakopoulos,Maria Manoli,2019-02-18 This contributed volume addresses the future development of space law in light of our ever growing space activities the multiplicity of new space actors and the challenges posed by novel space technologies Unlike existing space law literature it sets its sights on the future envisaging how space law could and should evolve in coming decades Written by experienced professors academics and practitioners in the field this edited volume constitutes a valuable tool for understanding the current state of space law the challenges it is called upon to address and the new phase it is about to enter In addition this book initiates a discussion de lege ferenda addressing the letter and spirit of space law in the world of modern and future space activities These papers were presented at The Space Treaties at Crossroads Considerations de lege ferenda held on August 28 to 29 2015 in Athens Greece The conference was jointly organized by the National and Kapodistrian University of Athens and the Institute of Air and Space Law of McGill University **Exclusive Use in an Inclusive Environment** Philip De Man,2016-07-25 This book aims to find a workable interpretation of the non appropriation principle that is compatible with both the existing international space law framework and the move of the private space industry towards the mining of asteroids and other celestial bodies It does so by analysing the rules on the use of orbits as limited natural resources as a concrete indication of how space resources can be exploited by one user while respecting the non appropriation principle and the interests of other users in space This analysis is complemented by a thorough review of the meaning of property rights in the context of the existing international space law regime This allows the author to distinguish between the lawful exploitation and unlawful appropriation of resources in a manner that could pave the way for a workable asteroid mining regime that takes into account the needs of individual companies and the international community Exclusive use in an inclusive environment frames the legal regime of the exploitation of natural resources in outer space as the most pressing example to date of the tension that arises between the rights of a single spacefaring actor and the interests of the broader international community Though academic in its approach in dealing with one of the most fundamental issues of space law to date the book has very practical

ambitions By offering a pragmatic interpretation of the space law principles that are likely to remain the legal foundations of asteroid mining for the foreseeable future Exclusive use in an inclusive environment hopes to inform academics practitioners and policymakers alike in their future attempts at working out a fair equitable and effective management regime for the exploitation of natural resources in outer space

Space Safety Regulations and Standards Joseph N. Pelton, Ram Jakhu, 2010-09-16 When international rules and regulations governing space travel were first being developed only a few countries had any space presence and commercial space activity was non-existent Today over 50 countries have on orbit satellites and commercial space presence is essential to commercial telecommunications and broadcasting yet international space law remains in its infancy Space Safety Regulations and Standards is the definitive book on regulatory initiatives involving space safety new space safety standards and safety related to new space technologies under development More than 30 world experts come together in this book to share their detailed knowledge of regulatory and standard making processes in the area combining otherwise disparate information into one essential reference and providing case studies to illustrate applications throughout space programs internationally They address the international regulatory framework that relates to traditional space safety programs as well as the emerging regulatory framework that relates to commercial space programs space tourism and efforts to create commercial space station facilities Fully endorsed by the International Association for the Advancement of Space Safety IAASS and provides the only definitive reference on regulations and standards for the field of space safety Combines the technical legal and regulatory information in a clear and integrated reference work suitable for technical professionals regulators legal experts and students in the field Presents a truly global insight from experienced space safety experts worldwide with representatives from the leading associations institutions and companies operating in the arena today

Who Owns the Moon? Virgiliu Pop, 2008-11-16 This work investigates the permissibility and viability of property rights on the celestial bodies particularly the extraterrestrial aspects of land and mineral resources ownership In lay terms it aims to find an answer to the question Who owns the Moon The first chapter critically analyses and dismantles with legal arguments the issue of sale of extraterrestrial real estate after having perused some of the trivial claims of celestial bodies ownership The only consequence these claims have on the plane of space law is to highlight the need for a better regulation of extraterrestrial landed property rights Next the book addresses the apparent silence of the law in the field of extraterrestrial landed property scrutinizing whether the factual situation on the extraterrestrial realms calls for legal regulations The sources of law are examined in their dual dimension that is the facts that have caused and shaped the law of extraterrestrial real estate and the norms which express this law It is found that the norms and rules regarding property rights in the celestial realms are rather limited failing to define basic concepts such as celestial body

Outer Space Glenn Reynolds, Robert Merges, 2019-08-22 This book examines the international and domestic American legal problems associated with activity in outer space from a strong policy perspective with particular attention given to

problems associated with space commercialization and with military activities in outer space Outer Space Problems of Law and Policy is indispensable as a casebook reference and self teaching tool for students practitioners academics and members of the aerospace industry New Property in International Law Jean Ho,2024-10-04 Until now the definition of property in international law has been poorly addressed It is assumed that international law possesses sufficient content to regulate property that provisions in international instruments addressing property rights are shown to act and that resolutions of property disputes are claimed to be in accordance with international law Yet when asked to define key attributes of property in international law the legal world draws a collective blank New Property in International Law examines how international law consistently falls short when it comes to new property regulation because key stakeholders have failed to define what property is The book considers and categorises new property into three areas cultural property common property and contingent property aiming to carve out update and impart coherence to international property law By sketching the contours of new property in international law through a rigorous analytical comparison of property concepts in the Western Soviet post Soviet Chinese and Islamic juristic traditions this work enables a balanced distillation of core attributes of new property from diverse property concepts that can then be woven into a broadly acceptable and broadly applicable definition *A Budget of Paradoxes* Augustus De Morgan,Sophia Elizabeth De Morgan,1872

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