

1st IAA Symposium on "Moon Farside Protection"  
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**The role of space law in protecting the Moon Farside  
for Scientific Research**

International Institute of Space Law (IISL) Session Contribution

Presented by Prof./Dr. Fabio Tronchetti  
(Member of the Board of Directors, IISL/Assoc. Professor, Northumbria  
University, United Kingdom)

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# The International Institute of Space Law (IISL)

- **Mission:** maintaining the rule of law in outer space
- **Membership:** (more than 50 countries represented)
- **Main events** (International Astronautical Congress)
- IISL Proceedings
- **Cooperation** with other NGOs as IAA and IAU
- **Permanent Observer status** in COPUOS





# Space law

## International level

- Five United Nations space treaties- (binding instruments)
- Several non-binding instruments (resolutions, guidelines, etc)

## National level

National laws adopted by individual States to manage domestic space activities

## Regional level

Instruments regulating space cooperation among a limited number of States, often on a regional basis



# Space law and the Protection of the Moon Farside for Scientific Research



No specific provision for the protection of the Moon Farside for scientific research



The Outer Space Treaty only recognizes the right to conduct scientific investigation in outer space



Other provisions of the treaties are relevant when plans to reserve the farside of the Moon for scientific research are considered.



# The 1967 Outer Space Treaty

*There shall be **freedom of scientific investigation** in outer space, including the moon and other celestial bodies, and States shall facilitate and **encourage international cooperation in such investigation** (Art. 1.3)*



# The Outer Space Treaty, Art. I(3)



States are entitled to conduct scientific investigation/activities on the Moon and other celestial bodies (however, no explanation of what these activities are)



Cooperation in scientific investigation is promoted



Nothing that specifically envisions the possibility to reserve areas of the Moon for scientific research



# The Outer Space Treaty – other provisions



Outer space, and any of its parts, are not appropriable (Art. II)



There shall be free access to all areas of celestial bodies (Art. I(2))



Non-governmental activities requires authorization and supervision by an appropriate State (Art. VI)



No harmful interference with activities of other States and consultation in the event of activities potentially harmful (Art. IX)



# Other space treaties



Liability for damage caused by space objects on Earth or in outer space (Liability Convention)



Registration of objects launched in outer space (Registration Convention)



Envisions the possibility to designate areas of the Moon as international scientific preserves (Moon Agreement)





# A protected area on the Moon farside?



Legal basis  
under the  
treaties?



Consistency  
with  
fundamental  
principles of  
space law



**Recognition  
by the  
international  
community  
(United  
Nations)**

# Protection of the Moon farside for scientific research in the context of recent initiatives



## Lunar initiatives

- Artemis Program (US-led)
- International Lunar Research Station (ILRS)

## International discussion

UN Working Group on Legal Aspects of Space Resources Utilization –

**What relevance is given to the protection of the Moon farside within these initiatives?**



# Artemis Accords and the Protection of the Moon Farside for Scientific Research



No specific provision for the protection of the Moon Farside for scientific research (but idea of 'safety zones')



Open sharing of scientific data (Sec. 8)



Preservation of outer space heritage (i.e. Apollo mission, Sec. 9)

# International Lunar Research Station (China) and the Protection of the Moon Farside for Scientific Research



Main goal is to set up a research station at the Moon's South Pole, not on the farside



China is the only country that has landed a rover on the Moon farside



Chinese scientists have expressed their interests towards potentially reserving the farside of the Moon for scientific research



# UN Working Group on the Legal Aspects of Space Resources Utilization



No reference to the possibility to reserve areas of the Moon farside for scientific research



Scientific cooperation is discussed under the headings of 'International cooperation in scientific research and technological development of space resource activities'



## **The way forward 1**

Setting up a specific goal (a protected scientific area on the lunar farside).

Need to coordinate efforts.

Stay within the limits set by international space law



## The way forward 2

Adding the 'Moon Farside Protection;' to the agenda of the COPUOS's Legal Subcommittee or its Technical and Scientific Subcommittee.

-Developing principles (potentially comprising: limitations, restrictions, moratoria - protection, preferential rights for scientific investigation over commercial uses) and a code of conduct in international NGOs and introducing them to the international law-making bodies



**Maintaining the rule of law in outer space!**



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