

Call for Participation

Working Group on the Future of the Moon Agreement

Dear Members, Prospective Members, and Friends of the International Institute for Space Law (IISL),
We are pleased to invite you to participate in the newly established Working Group on the Future of the Moon Agreement.

Working Group Overview

In light of the ongoing efforts to set up a framework to govern the utilization of space resources as well as the plans to return to Moon, the Working Group on the Future of the Moon Agreement, under the auspices of the International Institute of Space Law (IISL), aims at exploring the contribution that the Agreement can give to this process. Despite the limited number of States Parties to it, the Moon Agreement remains the only existing international treaty specifically designed to regulate human activities on a celestial body, hence it seems worth to reflect upon the lessons to be learned from its drafting history and provisions and its relevance in today's space environment.

Background of the Working Group

Mankind is headed towards a return to the Moon. Two parallel projects, the Artemis Program (under US leadership) and the International Lunar Research Station initiative (under Chinese leadership) envision landing men on the Moon and building facilities on its surface. Both projects contemplate the utilization of lunar resources to sustain their missions and to possibly use them to further explore the solar system.

Prospects of lunar and other celestial bodies' activities raise questions related to the legal regime applicable to them. Two of the five existing space treaties are relevant to this discussion: the 1967 Outer Space Treaty and the 1979 Moon Agreement. On one hand, while the Outer Space Treaty has been widely ratified, it only clarifies the status of celestial bodies (as non-appropriable) while leaving uncertain that of the resources contained therein. On the other hand, the Moon Agreement, while being specifically designed to govern celestial bodies' activities, including the utilization of resources, has only been ratified by a limited number of countries, not including any of the space-faring ones.

In recent years, numerous attempts, both at international and domestic levels, have been launched to attempt to fill the gaps left open by the OST in relation to celestial bodies' activities, such as the adoption of national space resources utilization law, the publication of principles/best practices intended to guide the activities of States involved in the Artemis Program (the Artemis Accords) or through official discussions within the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS). Interestingly, there seems to be very little attention paid to the Moon Agreement within these initiatives, even from the side of those States which are Parties to it. It seems, thus, worthy, to analyse the role (if any) to be played by the Moon Agreement in the upcoming lunar activities' era.

Aims of the Working Group

The aim of the WG is to reflect upon the contribution to be given by the Moon Agreement to the governance of lunar and celestial bodies activities. The WG will centre its analysis on the following research questions:

1. Is it still relevant to discuss about the Moon Agreement in today's regulatory environment?
2. What contribution can the Moon Agreement give to the legal regulation of activities conducted on a celestial body (including those involving the use of resources?)
3. What steps should the States Parties to the Moon Agreement take to promote it?
4. Is it consistent for a State to be simultaneously a Party to the Moon Agreement and a Signatory to other regulatory initiatives, such as the Artemis Accords?

Outcome

A report detailing the findings of the Working Group on the future role of the Moon Agreement on the governance of lunar and other celestial bodies activities. The goal is to submit and present the Report to the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) and, specifically, to the Working Group on the Legal Aspects of Space Resources Utilization and the Working Group on the Status of the Five UN Space Treaties.

Methodology

The Working Group will combine a doctrinal and an empirical research approach. The former will be used to review relevant international and domestic rules and policies as well as the work of leading scholars. The latter will serve the purpose of collecting the views of renowned experts, practitioners and States' representatives.

Call for Participation

The Working Group endeavours to foster a worldwide, inclusive, and pluralistic process of participation and drafting. We invite expressions of interest from IISL members to join this important initiative. Particular emphasis will be placed on the existing expertise of members and background in the specific topics and ensuring expansive representation from all global regions.

Provisional Timeline

September 2024-March 2026.

We look forward to your participation and collaboration in this timely and significant undertaking.

Please submit your expression of interest and any inquiries to Dr. Fabio Tronchetti at fabio.tronchetti@yahoo.com by 10 September 2024.

Sincerely,

Fabio Tronchetti, BA(Hons), PhD, (He/His)

Associate Professor, Northumbria School of Law



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