

SUMMARY

Governance of Global Moon Exploration and Settlement - Episode 1

30/06/2020

Introduction **(Dr. Giuseppe Reibaldi)**

Moon Village Association short introduction, see Attachment

Components of the International Lunar Legal Ecosphere

- UNCOPUOS General Exchange of view on Space Resources
- The Hague International Space Resources WG: BBs and Commentary
- Moon Village Principles as Best Practices for Sustainable Lunar Activities
- NASA Artemis Accords

The Politics of the Governance of Global Moon Exploration and Settlement **(Dr. John B. Sheldon)**

Presentation, see Attachment

Some background information to consider:

- The Moon is the object of growing international and commercial competition. Lunapolitics concerns political and economic interests related to the Moon's topography, its subsurface, surface, and cislunar space.
- By 2024 humans should return to the Moon. Probably by 2030 there will be a permanent human presence on the lunar surface. The main players are the US and China who will be attempting to bring other space powers to their side.
- NASA's Lunar Gateway space station will probably occupy lunar orbit likely by 2030.
- Artemis Accords and the Executive Order.

We don't know exactly what's in the Artemis Accords, but they were first proposed in May 2020. The document is currently in circulation (Canada, Italy, Japan, Luxembourg, and the UAE).

We know that the Artemis Accords are based on the principles of the OST and other three broadly-ratified space treaties. Russia is wary but open to talks. China has been silent but watching carefully.

What we don't know is the underlying US motivations, maybe space diplomacy slowness, but also an effort to dispose of the 1979 Moon Agreement (seen as an obstacle for the goals they want to achieve).

Also, we don't know the effect the global pandemic will have on lunar activities. It may delay plans or it may accelerate plans as part of a stimulus and a quest to restore international prestige. Also, it has to be considered what will happen after the election happening in the US in November.

Now is not a time for complacency → there is always a wait-and-see approach, but now the matter is urgent. There will be in coming months more diplomatic programmatic approaches, commercial regulation, policy positions, countries establishing national interests. So requirements should be started now, and international principles too.

Moon Village Principles **Prof. Mark J. Sundahl**

Presentation, see Attachment

The principles are not intended to be a binding law, but the product of the joint effort of all stakeholders (that's why are open for consultations and comments to focus the conversation). The time for academic discussion is over (not all of it, but for mere discussion is over for action for policymakers and space lawyers).

The principles are largely a restatement of existing law with very few innovations. They create a forum for developing best practices and principles to move forward to lunar activities, with the sole aim of avoiding conflicts. At some point with need more guidance on the meaning of existing law. For example, what exactly does acting with "due regard" mean when it comes to landing a vehicle close to a historical site on the Moon?

Why we need principles considering the other documents mentioned above by Giuseppe? Because all the other initiatives are limited in scope. The Artemis Accords are limited in their geographic scope (only actors participating in the Artemis program, leaving behind many others). The Hague Building Blocks only relate to space resources. The COPUOS process, we have seen with previous treaties and instruments, will be lengthy. In contrast, the Principles concerns all lunar activities, apply to everyone and can be created relatively quickly.

The Principles are not written in stone. They are just a draft that needs to be commented on by stakeholders and future lunar actors.

Imagine a rocket made by the existing legal and political instruments. What is the fuel that makes this rocket to the lunar surface? It's the urgency!

PRINCIPLES:

1. Compliance with international law
2. Taking into account the interests of other actors and benefits for all countries (how will that happen? Vancouver declaration proposes profits sharing, but difficult to see this approved by the industries)
3. Development of governance
4. Sustainability
5. Development of private activities (some innovation from the existing treaties)
6. Promote scientific study
7. Share available information (in the limits of national interests and sensitive information?)
8. Protect Moon and lunar activities
9. Land Use Registry (Hague WG calls for a new registry other than the National ones describing a location on the Moon and description of conducted activities)
10. Register all kind of activities taking place on the surface of the Moon
11. Public database to share best practices and scientific information
12. Support legal issues and initiatives
13. Ethical aspects of lunar activities, broad principles apply in many ways
14. Dispute resolution mechanism
15. Mechanism for monitoring and implementing principles

Outlook of future Episodes **(Dr. Giuseppe Reibaldi)**

There will be 3 more episodes to follow the consultation period of the Best Practices. Each new episode will take place every 4 weeks, that is 28 July, 18 August, 15 September.

These webinars will feature major stakeholders in Industry and Government providing their feedback to the best practices, always with a Q/A session.

Q/A

Moderator: Antonino Salmeri/SGAC

Q: With the increasing tensions with the US unilaterally militarizing space how do we reverse the trend and renew a multilateral approach that structurally enables all nations equity in space resource extraction?

A (Mark): Cooperation, sharing benefits despite the state of technology development. If we want private companies to be involved, the requirement to share profits will crash the investments. Benefit-sharing should take another form.

Q: What is the role of the Artemis Accords in legitimizing territorial claim, sovereignty issues on the Moon?

A (John): The US has been very clear on the fact that the accords are based on the Outer Space Treaty so there are no issues of sovereignty, they only need to have better regulation of the use of resources, benefits distribution, and so on.

Q: Is it time to establish a UN starfleet? → How do we enforce these legal instruments? Space force?

A (Mark): Safety zones are not keep-out zones. However, enforcement could be seen as an issue, also for the OST for example.

Q: Should government and private parties share the discovery of resources?

A (Mark): Private companies should providing information on what they are planning do to and why they are doing it, before the start of activities, so that nobody can claim that they were unaware of the activities in the event of interference.

Q: (John) said the US has a first-mover advantage. But in the days of the OST, the idea of coming first was dealt with in a different way. There is a different attitude. Everyone would like to take over the activities, have this advantage, and establish the best practices.

A: Being a first-mover carries with it duties and obligations. Maybe you get there and realize you need assistance from not only your closest allies but also by other new actors. It is an opportunity to act in the interest of all humankind.

Q: What is the difference, between the Artemis Accords and MVA Best Practices?

A: (Giuseppe): The Artemis Accords follow a top-down approach and responds to a need of the US Artemis program to have in place bilateral implementation agreements with the partners like the IGA had for the ISS. The Best Practices follow a bottom-up approach and are aimed to define a common level playing field for all actors going to the moon in peace.

The two approaches are complementary, however, the MVA initiative is aiming to engage as many countries as possible and this is why all stakeholders are invited to provide comments to the Best Practices.

Geographical distribution of attendees on Zoom

Q: Where are you watching us from?

Total: 47

1. North America - 17
2. South America - 2
3. Europe - 19
4. Asia - 5
5. Africa - 3
6. Oceania – 1

Facebook attendees: around 400