

Implementation Agreement for the Moon Treaty

1. Creation of Agency

The States Parties agree to create as soon as is practicable an agency ("Agency") to administer the provisions of the Agreement Governing The Activities Of States On The Moon And Other Celestial Bodies ("Treaty") and this Implementation Agreement ("Agreement").

2. Licenses for Private Activity

The States Parties agree to authorize the Agency to issue licenses to non-governmental entities ("NGE") for the priority exploitation of resources. Exploitation of resources shall include but is not limited to: (a) the extraction/recovery of materials, (b) the use of a location for any other commercial activity (such as tourism), and (c) the use of a location for noncommercial private activity (such as settlements). Licenses shall describe the extent, duration, and nature of the activity and shall maximize access for all in accordance with Treaty Article 8. Use by governments is authorized under Treaty Articles 8 and 9.

3. Requirements for License

The Agency shall issue a license to any NGE whose activity is authorized and supervised by a State Party. The States Parties agree to require that their nationals (a) accept the public policy obligations of the Treaty, as mandated by Treaty Article 14, and (b) share technology as described in Paragraph 5 of this Agreement. The license shall be revoked if, at any time, a licensed NGE fails to comply with its obligations.

4. Public Policy Obligations

The States Parties agree that the public policy obligations of the Treaty and this Agreement include the following:

1. Use outer space exclusively for peaceful purposes (Article 3.1);
2. Provide co-operation and mutual assistance (4.2);
3. Honor the Registration Convention and inform the public of:
 - Activities (5.1)
 - Scientific discoveries (5.1)
 - Any phenomena which could endanger human life or health (5.3)
 - Any indication of organic life (5.3)
 - The discovery of resources (11.6)
 - Any change of status, harmful impacts, use of nuclear power, and links to websites for specific objects/activities (COPUOS recommendations)
4. Protect the environment and preserve areas of "special scientific interest" such as historic landing sites (7.1-7.3);
5. Allow free access to all areas by other parties (9.2);
6. Honor the Rescue Treaty (10.1)
7. Share technology as part of sharing the benefits of outer space with less technologically advanced countries (4.1-4.2)

5. Sharing Technology

The States Parties, in accordance with Treaty Article 4, agree to develop a process for sharing technology on a mutually acceptable basis. Until or in the absence of such a process, the States Parties agree to require their nationals to license technology at no more than fair market value. Technology that is subject to export controls shall be excluded from these requirements.

6. Standards and Recommended Practices; Registry

The States Parties, in consultation with private enterprise and international organizations, agree to develop technology standards and recommended practices for the safe use and development of space resources. Such standards or practices shall not require technology that is subject to export controls. The Agency and/or other designated entities shall maintain the registry of such information that is not included in the registry maintained by the United Nations under the Registration Convention.

7. Protection of Natural Environment; Cultural Heritage Sites

The States Parties, in accordance with Treaty Article 7, agree to develop standards and recommended practices to prevent the disruption of the existing balance of a celestial body's environment and to protect natural and cultural heritage sites, or to designate another entity/process for making such determinations that will be binding on the States Parties. The States Parties agree to prohibit the use or disturbance of any location on the Moon or other celestial body that is the site of a historical mission that occurred prior to the year 2000 pending a final determination of the site's status as a protected site. This prohibition applies to the location of any equipment and any evidence of presence (e.g., footprints, tracks).

8. Governance; Collection of Fees

The States Parties are ultimately responsible for the Agency, which shall be operated in a cost-effective manner. By adoption of this agreement, the States Parties authorize the Agency to collect fees to pay for its administrative costs. The collection and use

of fees for any other purpose must be authorized by the States Parties. The States Parties agree to create a process of governance for making this and other substantive decisions as authorized under Article 18 of the Treaty.

9. Dispute Resolution

The States Parties agree that any dispute concerning this Agreement or the Treaty shall be addressed using the consultation process detailed in Treaty Article 15. As an alternative, the States Parties hereby authorize the voluntary use of binding arbitration in accordance with the 2011 Permanent Court of Arbitration Optional Rules for Arbitration of Disputes Relating to Outer Space Activities. The results of such arbitration shall be enforceable within the judicial system of the States Parties who are parties, or whose nationals are parties, to the arbitration. The Agency shall facilitate and inform the arbitration.

10. Controlling Law; Rights of Individuals, Settlements

In accordance with Treaty Article 12, the States Parties agree that the controlling law at any location shall be the law of the country that authorized/supervises the licensees using that location, subject to this Agreement and Treaty. Relations between locations of different nationalities will be governed by current international law, including the Liability Convention, until such time as new substantive rules are created under the governance process in Paragraph 8, as authorized by Treaty Article 18. Nothing in this Agreement or in the Treaty shall be interpreted as denying or limiting the rights guaranteed to individuals by the Universal Declaration of Human Rights, or the right of settlements to seek autonomy and/or recognition as sovereign nations.

The proposed Implementation Agreement is based on **four organizational principles**:

1. The legal framework must be **comprehensive** in scope and support **all private activity**.
2. **The Grand Bargain**: Trade private property rights for public policy obligations.
3. **Defer** issues currently at impasse (e.g., monetary sharing of benefits) by creating a governance process for making future decisions.
4. **Build** upon and integrate current institutions and processes.

The Space Treaty Project, aka The Space League, is a California nonprofit founded by Dennis O'Brien. The Project is a member of The Moon Village Association; Mr. O'Brien is part of their Coordination & Cooperation project. The MVA is an official Observer at the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS).

<http://spacetreaty.org/implementationagreement.pdf> – full paper with explanation.

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Facebook: The Space League

Closing the Gap in Space Law: An Implementation Agreement for the Moon Treaty

Produced by
The Space Treaty Project

Dedicated to
Peace and Sustainability
in Outer Space

Our Mission:
To give people
hope and inspiration
by helping the nations
of the Earth to build
a common future

“Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.”

-Article II, The Outer Space Treaty