

Is a New Look Necessary in the Age of Exploration and Exploitation?



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OVERVIEW

- **Introduction**
- **Exploration – The Moon and Beyond**
 - **Governmental Agencies**
 - **Commercial Ventures**
- **From Exploration to Exploitation**
 - **The Next Step for Space Activities**
- **Legal Framework**
 - **Current Regime**
 - **Legal Challenges**
- **The Future**

INTRODUCTION

- **Status of Moon Treaty**
 - **Extremely limited acceptance**
 - 13 ratifications (none by major space powers)
- **Lack of Action by States Parties**
 - **No movement to establish international regime**
 - **Art. 11(5): As exploitation is “about to become feasible”**
 - **No review of Treaty by General Assembly**
 - **Art. 18: Ten years after entry into force**
- **Fundamental Changes in Space Activities**

EXPLORATION

- **NASA**
 - Vision For Space Exploration
 - Constellation Program
- **Other National Space Agencies**
 - Demonstrated interest in expanding exploration
- **The Global Exploration Strategy**
 - Joint work of 14 space agencies
 - Drafted Framework for Coordination
 - Focus on sustained human presence in space
 - Primary targets: Moon, Mars, near-Earth asteroids
 - Recognition of expanding role of industry/commerce



EXPLORATION

- **Government Support of Commercial Space**
 - **Commercial Crew and Cargo Program (C3PO)**
 - **Commercial Orbital Transportation Services (COTS)**
 - **ISS Commercial Resupply Services**
 - **Prizes/Innovative Partnerships**
 - **Centennial Challenges**
- **Independent Commercial Space Ventures**
 - **Space Tourism**
 - **Other Emerging Industries**

EXPLOITATION

- **The Next Logical Step for Space Activities**
 - **Need to move beyond exploration to exploitation**
 - **Proven ability to explore**
 - **Limits to exploration led by space agencies**
 - **Fundamental nature of government programs**
 - **Fiscal/budget concerns and constraints**
 - **Exploitation a key to further development**
 - **Increased economic opportunity/incentive**

LEGAL FRAMEWORK

- **Current Regime**

- Solid framework of broad principles
- Focus on exploration (by states)
- Product of a different time/political environment

- **Legal Challenges**

- Building on and clarifying existing framework
 - Identifying proper (most efficient) forum
- Anticipating shift from exploration to exploitation
 - Public vs. private
- Recognizing needs of private/commercial actors
- Encouraging investment and innovation

THE FUTURE

- **Trends**

- **Government/commercial space partnerships**
- **Multinational/international cooperation and projects**
- **Expansion of commercial space sector**
- **Shift from exploration to exploitation**
 - **Establishing permanent human presence in space**

- **Legal Needs**

- **Well-defined foundational laws**
 - **Minimize ambiguity**
 - **Responsive to new trends and realities**
 - **Settle ongoing debates (provide legal certainty)**

