

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



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# OVERVIEW

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- **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

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- **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

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- **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

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- **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

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- **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

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- **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

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- **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)

