

**Section of Individual Rights and Responsibilities; Section of Natural Resources Law  
(Midyear Meeting 1982)**

BE IT RESOLVED, That the American Bar Association urges that United States policy in the development of international law regarding activities in outer space, should be based on the following principles:

That the content of international law governing the peaceful uses of outer space, including the Moon and other celestial bodies, is a matter of substantial importance to the national interest of the United States;

That the United States should preserve its rights under existing international law to undertake national exploration and use of outer space, including the unilateral right to undertake both scientific exploration and commercial development and use of natural resources found in outer space; and

That encouragement of voluntary international cooperation in outer space, arms control constraints on the use of outer space consistent with the security of the United States, protection of the environment in outer space, and safeguarding of life and health of persons in outer space, are legitimate interests of the United States and of the international community.

Be It Also Resolved, Therefore,

That the American Bar Association favors the signature and ratification by the United States of the "Agreement Governing the Activities of States on the Moon and Other Celestial Bodies" on the explicit condition that the United States Signature and Instrument of Ratification be subject to and include express Declarations consistent with the following principles:

"(a) It is the position of the United States that no provision in this Agreement constrains the existing right of governmental or authorized nongovernmental entities to explore and use the resources of the Moon or other celestial body, including the right to develop and use these resources for commercial or other purposes, and no such constraint is accepted by this ratification;

"(b) It is the position of the United States that nothing in this Agreement in any way diminishes or alters the existing right of the United States to determine unilaterally how it shares the benefits derived from development and use by or under the authority of the United States of natural resources of the Moon or other celestial bodies;

"(c) Natural resources extracted or used by or under the authority of a State Party to this Agreement are subject to the exclusive control of, and shall be the property of the State Party or other authorized entity

responsible for their extraction or use. In this context, it is the position of the United States that Articles XII and XV of this Agreement preserve the existing right of States Parties to retain exclusive jurisdiction and control over their facilities, stations and installations on the Moon and other celestial bodies, and that other State Parties are obligated to avoid interference with normal operations of such facilities;

"(d) Recognition by the United States that the Moon and its natural resources are the common heritage of all mankind is limited to recognition (i) that all States have equal rights to explore and use the Moon and its natural resources, and (ii) that no State or other entity has an exclusive right of ownership over the Moon, over any area of the surface or subsurface of the moon, or over its natural resources which have not been, or are not actually in the process of being, extracted or used by actual development activities on the Moon;

"(e) It is the position of the United States that no moratorium on the commercial or other exploration, development and use of the natural resources of the Moon or other celestial body is intended or required by this Agreement. The United States recognizes that, in the development and use of natural resources on the Moon, States Parties to this Agreement are obligated to act in a manner compatible with the provisions of Article VI(2) and the purposes specified in Article XI(7). and the purposes specified in Article XI(7). However, the United States reserves to itself the right and authority to determine the standards for such compatibility unless and until the United States becomes a party to a future resources regime;

"(f) Acceptance by the United States of the obligation to join in good faith negotiation for creation of a future resources regime in no way constitutes acceptance of any particular provisions or proposed provisions which may be included in an agreement creating and controlling such a regime; nor does it constitute any obligation or commitment to become a Party to such a regime regardless of the contents of any such agreement."