

Abstract

“The Protection of Natural Resources on the Moon and of Lunar Environment in International law”

The aim of the thesis is firstly to analyse the existing legal basis of the protection of the natural resources which are to be found on the Moon and of the lunar environment and secondly to draw up an outline of desired development of these issues.

The reason for my research is based on the fact that the Earth's resources are finite and slowly running out. The mankind is in a need of finding new resources and sees its opportunity in using the ones on the Moon. Therefore a functional and effective legal regulation is required.

The thesis is composed of four chapters. Short Introduction is followed by first chapter describing the formation of the Outer Space Treaty and Moon Agreement and analysing the provisions of both. Chapter Two is dedicated to the issue of legal regimes “res communis omnium” and “common heritage of mankind”. First part of the chapter deals with the creation and content of the legal regimes. Second part describes the rising questions concerning the morality in the “common heritage of mankind” principle and its so called tragedy.

The next two chapters concentrate on the problems resulting from the tragedy of “common heritage of mankind”. Chapter Three focuses on the international regime and appropriation procedures which are to be founded to govern the exploitation of the natural resources of the Moon. Also, the property status of lunar resources and samples according to both agreements is analysed. Chapter four investigates the legal basis of the protection of lunar environment hitherto and defines the lunar environment with the context of the environment of the Earth. Both parts include partial conclusions, according to them several changes and steps in the regulation process are recommended.

It is necessary to take action in order to avoid the tragedy of “the common heritage of mankind”. First, an international regime for exploitation should be created in compliance with the Antarctic model. Second, the commercial factor should be allowed to become a part of the principle to assure efficient distribution of property rights. Third, the legal protection of the Moon should be elaborated and deepened. But above all, the Moon as a celestial body of significant importance for the whole mankind should be treasured.