

THE WILD-WESTIFICATION PARADOX: CONTRACTS, NOT WARS

*By Christos Kyritsis**

*Christos Kyritsis holds an LL.M. in Air and Space Law from the University of Mississippi School of Law. His research focuses on jurisprudence, sovereignty, jurisdiction, and the governance of outer space.
Professional website: <https://www.stasteria.com>

© Christos Kyritsis, 2026

ABSTRACT

Humanity has never encountered a valuable frontier that remained permanently free from territorial ordering. Not once. For thousands of years, newly discovered lands, strategic locations, and valuable resources have followed a remarkably consistent trajectory: exploration, competition, exclusion, control, and ultimately governance. Empires have changed. Technologies have changed. Legal justifications have changed. The pattern has not. Yet international space law rests upon a radically different assumption—that the Moon will become the first frontier in history to escape a process that has governed every frontier before it.

The Moon, humanity's nearest celestial neighbor and perhaps its next economic frontier, is expected to remain permanently beyond territorial appropriation despite the emergence of resource extraction, private enterprise, long-term infrastructure, strategic competition, and safety zones. These developments are no longer hypothetical. They represent the early foundations of a frontier increasingly shaped by economic interests, operational necessities, and competing ambitions. The question is therefore not whether humanity has changed. The question is whether the conditions that historically produced territorial ordering have changed.

What makes the lunar frontier unique is not the possibility of territorial ordering, but the expectation that territorial ordering can be avoided. That expectation is increasingly difficult to reconcile with the realities of resource extraction, infrastructure development, operational control, and long-term presence. A frontier once imagined as open and universally accessible is gradually acquiring characteristics historically associated with political and economic competition. This article describes that process as "Wild-Westification": the gradual transformation of an open frontier into a frontier shaped by strategic interests, preferential access, exclusion, and competing spheres of influence. The paradox is straightforward. A legal regime designed to prevent territorialization may be creating the conditions necessary for its indirect emergence.

The relevant question is therefore no longer whether pressures toward territorial ordering will emerge, but how they will be managed. Will the lunar frontier develop through first-mover advantage, strategic competition, and the gradual consolidation of de facto control, or through prior agreement, structured allocation, and contractual cooperation? Rather than allowing future disputes to determine the distribution of lunar opportunities, this article examines whether a system of preemptive allocation may offer a more stable alternative. The Lunar Allocation Lottery proceeds from a simple premise: frontiers can be allocated by competition after conflict emerges, or they can be allocated by agreement before conflict begins.

INTRODUCTION

International space law prohibits the appropriation of the Moon.¹ At the same time, it increasingly accommodates activities that require exclusive access, infrastructure protection, resource extraction, operational control, and the prevention of harmful interference.² The legal principle remains non-territorial. The practical realities are becoming increasingly territorial.

This contradiction sits at the center of contemporary lunar governance. States reject sovereignty while preparing for permanence. They reject territorial claims while constructing legal and operational frameworks that depend upon exclusivity. They reject ownership while simultaneously encouraging activities that historically have produced systems of control, preferential access, and political ordering.

The contradiction becomes even more apparent when viewed through a historical lens. Humanity has never managed a valuable frontier by leaving questions of access, control, and resource distribution permanently unresolved. Such questions have always been answered eventually. Sometimes through law. Sometimes through negotiation. Sometimes through force. The only uncertainty has been the method by which the answer emerged.

Yet the dominant assumption underlying contemporary space governance remains that the Moon can avoid this pattern. Resource extraction, safety zones, permanent infrastructure, strategic locations, and competing national interests are expected to coexist indefinitely within a legal framework that prohibits territorial appropriation while simultaneously avoiding territorial consequences.³ This expectation deserves closer examination.

The purpose of this article is not to revisit the familiar debates surrounding sovereignty, ownership, or the philosophical status of outer space. A more immediate question presents itself. If pressures toward territorial ordering are likely to emerge regardless of legal prohibitions, should they be permitted to develop through competition, first-mover advantage, and de facto control, or through prior agreement and structured allocation?

The argument that follows proceeds from a simple observation. The question confronting the lunar frontier is therefore not whether order will emerge, but what form that order will take. Humanity's first extraterrestrial frontier may ultimately face the same choice that has confronted many frontiers before it: wars or contracts.

¹ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies art. II, Jan. 27, 1967, 18 U.S.T. 2410, 610 U.N.T.S. 205. [hereinafter Outer Space Treaty]

² *Artemis Accords: Principles for Cooperation in the Civil Exploration and Use of the Moon, Mars, Comets, and Asteroids for Peaceful Purposes*, Nat'l Aeronautics & Space Admin. (Oct. 13, 2020), <https://www.nasa.gov/wp-content/uploads/2022/11/Artemis-Accords-signed-13Oct2020.pdf>; Artemis, Nat'l Aeronautics & Space Admin., <https://www.nasa.gov/artemis/> (last visited July 28, 2026). [hereinafter Artemis Accords]

³ *Id.* §§ 10–11; Outer Space Treaty, *supra* note 2, arts. II, VIII, IX.

I. THE HUMAN FRONTIER

Human history is, in many respects, the history of frontiers.⁴

Whenever new lands, strategic locations, trade routes, or valuable resources became accessible, they attracted exploration, settlement, competition, and eventually systems of organization and control. The names changed. The technologies changed. The legal justifications changed. The underlying incentives did not.⁵

The technologies carrying humanity back to the Moon are new. The frontier is new. Humanity is not.

States, institutions, corporations, and individuals continue to operate according to familiar incentives: security, strategic advantage, economic opportunity, political influence, and access to valuable resources. These forces did not disappear when human activity extended beyond Earth. The assumption that they will operate differently on the Moon than they have elsewhere requires justification.

The question is therefore not whether humanity is approaching a new frontier. The question is whether human nature itself has changed.

II. THE MOON'S TRANSFORMATION

For much of the Space Age, the Moon occupied a largely symbolic position within international affairs. It represented scientific achievement, technological progress, and the aspirations of humanity's first ventures beyond Earth. The legal framework that emerged during this period reflected that reality. The Outer Space Treaty was negotiated at a time when lunar activity was limited, temporary, and overwhelmingly governmental in character. Exploration, not permanent utilization, defined the prevailing paradigm.⁶

That paradigm is changing. The Moon is no longer viewed solely as a destination for scientific missions or symbolic demonstrations of technological capability. It is increasingly viewed as a location of economic, strategic, and political significance. Resource extraction, permanent infrastructure, long-term habitation concepts, and commercial activity have moved from speculation to policy objectives. The question is no longer whether the Moon will be used, but how it will be used and by whom.⁷

⁴ See generally Thomas Hobbes, *Leviathan* (Richard Tuck ed., Cambridge Univ. Press rev. student ed. 1996) (1651) (arguing that enduring features of human nature—including competition, self-preservation, and the pursuit of power—necessitate political order). [hereinafter Hobbes]

⁵ See, e.g., Frederick J. Turner, *The Significance of the Frontier in American History*, in *The Frontier in American History* 1 (Henry Holt & Co. 1920) (observing that successive frontiers repeatedly generated new patterns of settlement, governance, and institutional development). [hereinafter Turner]

⁶ See generally Outer Space Treaty, *supra* note 1.

⁷ Artemis Accords, *supra* note 2.

The transformation is driven not only by states but also by private actors operating with governmental authorization, support, and strategic alignment. Contemporary lunar initiatives increasingly combine public objectives with private capabilities, blurring the traditional distinction between governmental exploration and commercial enterprise. As economic interests expand, the legal assumptions inherited from the exploration era increasingly encounter realities they were never designed to address.

The significance of this transformation extends beyond technology or economics. It marks the transition from a frontier visited occasionally to a frontier intended for sustained activity. Historical experience demonstrates that such transitions rarely remain without political consequences.

III. THE RETURN OF TERRITORY

The most significant development in contemporary lunar governance is not the possibility of territorial claims. It is the gradual emergence of practices that produce territorial effects without requiring formal territorial claims at all.

The Outer Space Treaty prohibits national appropriation of the Moon and other celestial bodies. Yet the Treaty does not prohibit all forms of exclusion, control, or preferential access. This distinction has become increasingly important as lunar activity shifts from exploration toward utilization. Scientific missions may require temporary presence. Resource extraction, infrastructure development, and long-term operations require something more. They require stability, predictability, and protection from interference.⁸

The clearest example of this transformation can be found in the Artemis Accords. Although the Accords explicitly reaffirm the non-appropriation principle, they simultaneously recognize the legitimacy of resource extraction and encourage the establishment of safety zones intended to prevent harmful interference. Neither concept constitutes a formal claim of sovereignty. Neither purports to annex territory. Yet both acknowledge a practical reality: sustained activity requires a degree of operational control over a defined area.⁹

This development should not be dismissed as a mere technical necessity. Throughout history, territorial ordering rarely emerged through explicit declarations alone. It often emerged through function. Control preceded ownership. Administration preceded sovereignty. What began as practical arrangements frequently evolved into political realities and, in some cases, later claims of authority. The legal vocabulary changed, but the underlying dynamic remained familiar.

A permanent extraction site, protected by safety zones, supplied by dedicated infrastructure, and shielded from interference by competing actors may not constitute sovereignty in the formal legal sense. It nevertheless produces many of the same practical consequences. Access becomes differentiated. Activity becomes regulated. Competing actors become constrained. The frontier begins to acquire characteristics historically associated with territorial ordering.

⁸ Outer Space Treaty, *supra* note 1, arts. II, VIII, IX.

⁹ Artemis Accords, *supra* note 2, §§ 10–11.

The significance of these developments lies not in what they presently are, but in what they may become. Safety zones established for coordination create defined areas of operation. Resource extraction creates economic interests requiring protection. Infrastructure creates permanence. None of these developments independently constitutes functional control appropriation. Collectively, however, they indicate that the lunar frontier is beginning to acquire forms of organization and control that were largely absent during the exploration era. Whether these developments remain consistent with the non-appropriation principle requires closer examination.¹⁰

IV. THE WILD-WESTIFICATION PARADOX

History rarely begins with ownership. It begins with presence.

A frontier is discovered. A foothold is established. Infrastructure appears. Economic interests follow. Protection becomes necessary. Control gradually expands. Legal recognition arrives later.

The sequence is neither unusual nor controversial. It has accompanied frontier development throughout human history. Yet contemporary lunar governance proceeds as though the same sequence will somehow produce a different outcome.

The Outer Space Treaty prohibits territorial appropriation. The Artemis Accords reaffirm that prohibition. States routinely declare that the Moon is not subject to sovereignty. At the same time, those very same states increasingly support activities that depend upon permanent presence, resource extraction, operational control, infrastructure development, protection from interference, and exclusive areas of operation.¹¹

The contradiction is difficult to ignore.

Humanity appears to be constructing the infrastructure of territorial ordering while insisting that territorial ordering will never emerge.

This is the Wild-Westification Paradox.

The paradox does not arise because states reject sovereignty. It arises because contemporary lunar governance appears to assume that preventing formal sovereignty is sufficient to prevent the processes through which territorial ordering has historically emerged. History suggests otherwise.

Territory was rarely created by declarations alone. More often it emerged through use. Settlements appeared before borders. Control appeared before title. Facts on the ground preceded legal recognition. Law frequently ratified realities that already existed rather than creating them from nothing. The lunar frontier may be following a similar trajectory.¹²

¹⁰ Outer Space Treaty, *supra* note 1, art. II; Artemis Accords, *supra* note 2, §§ 10–11.

¹¹ *Id.*

¹² Turner, *supra* note 5, at 1–38.

A permanent installation established for resource extraction does not require ownership to become strategically valuable. A safety zone does not require sovereignty to become exclusionary in practice. Infrastructure does not require annexation to create dependency, influence, and control. The legal terminology may differ, but the underlying dynamic remains familiar.

The Wild-Westification Paradox is therefore straightforward. Humanity seeks to prevent the territorialization of the Moon while simultaneously encouraging the very processes through which territorialization has historically occurred. The prohibition remains. The pathway remains as well.¹³

The question is not whether a state will one day announce ownership of a lunar region. The more important question is whether ownership will become unnecessary, at least in the early stages of territorial formation. If control, exclusion, permanence, and preferential access can be achieved without formal sovereignty, the distinction between a frontier that is legally non-territorial and one that is functionally territorial may prove far less significant than contemporary space law assumes.

V. WARS OR CONTRACTS?

If the Wild-Westification Paradox accurately describes the trajectory of the lunar frontier, then the question confronting humanity is no longer whether territorial ordering will emerge, but how it will emerge.

History offers two familiar pathways.

The first is competition. Actors arrive, establish positions, accumulate advantages, and gradually consolidate control over valuable locations and resources. As interests expand, so do incentives to protect them. What begins as economic competition increasingly acquires strategic significance. Cooperation may continue for a time, but cooperation founded upon uncertainty rarely remains stable indefinitely. Eventually, competing claims, competing interests, and competing expectations demand resolution.

Human history provides no shortage of examples. Frontiers have repeatedly been organized through rivalry before they were organized through law. Order emerged, but often only after conflict demonstrated the cost of its absence. The names changed, the technologies evolved, and the legal justifications varied, but the underlying logic remained remarkably consistent.

Political philosophy has long recognized this problem. Writing in *Leviathan*, Thomas Hobbes observed that where no common framework exists to regulate competing interests, rivalry tends toward insecurity and conflict. Although Hobbes wrote of individuals rather than states, the underlying insight remains relevant. The absence of agreed rules does not eliminate competition. It merely postpones the moment at which competition demands resolution.¹⁴

¹³ Outer Space Treaty, *supra* note 1, art. II; Artemis Accords, *supra* note 2, §§ 10–11.

¹⁴ Hobbes, *supra* note 4, pt. I, ch. XIII, at 89–90.

The lunar frontier may soon encounter a similar choice. Resource extraction sites, transportation corridors, infrastructure hubs, and strategically valuable locations are unlikely to remain indefinitely free from competing interests. The more successful lunar activity becomes, the more valuable these assets will become. The more valuable they become, the greater the incentive to secure, protect, and expand them.

Yet conflict is not the only path through which order can emerge.

The alternative is agreement before confrontation. Rather than allowing facts on the ground to determine future distributions of opportunity, actors may choose to establish expectations before competition hardens into rivalry. Rather than waiting for disputes to reveal the need for governance, governance may precede disputes. In this sense, contracts do not eliminate competition. They civilize it.

The distinction is fundamental. Wars allocate opportunities after conflict. Contracts allocate opportunities before conflict. One relies upon power. The other relies upon agreement. One creates winners and losers through confrontation. The other creates predictable rights and obligations through cooperation.

The question confronting the lunar frontier is therefore neither technological nor scientific. It is ultimately political and jurisprudential. Humanity may permit the Moon to follow a pattern familiar from the history of terrestrial frontiers, or it may attempt something different. The choice is not between activity and inactivity, nor between exploration and development. The choice is between allowing order to emerge through competition or creating order through agreement.¹⁵

In its simplest form, the question may be stated as follows: wars or contracts?

VI. THE LUNAR ALLOCATION LOTTERY

If the objective is to prevent the gradual territorialization of the Moon through competition and first-mover advantage, then some alternative mechanism must exist through which opportunities can be distributed before disputes emerge. The purpose of the Lunar Allocation Lottery is not to create conquest by legal means. Its purpose is to replace future competition over territory with prior agreement concerning access, responsibility, and opportunity.

For purposes of this article, the term "Lunar Allocation Lottery" does not refer to a purely random distribution of lunar territory. It refers to a treaty-based allocation framework through which Zones of Lunar Utilization may be assigned according to agreed principles of participation, transparency, responsibility, and peaceful use. Lottery-based procedures may form part of that framework, but they do not exhaust it.

The proposal proceeds from a simple premise. Frontiers become dangerous when valuable opportunities remain undefined. Throughout history, uncertainty concerning ownership, access, and control has frequently encouraged competition, exclusion, and conflict. A transparent

¹⁵ Turner, *supra* note 5, ¶ 2.

allocation framework seeks to reverse that sequence. Instead of allowing disputes to determine future distributions, distributions would be established before disputes arise.¹⁶

The proposed system does not assume that every state possesses identical capabilities. Some states will reach the Moon. Others will not. Some will develop advanced extraction technologies. Others will lack the resources to participate directly. Yet the inability to reach the Moon should not necessarily require exclusion from its future development. A state may possess rights without possessing rockets.

Under such a framework, allocated areas could become the subject of contractual relationships rather than geopolitical competition. States lacking space capabilities could lease rights, enter joint ventures, license activities, or cooperate with technologically capable states and private entities conducting lunar operations. The result would not be inactivity. On the contrary, it would encourage economic development while reducing incentives for territorial rivalry.

The system would also impose responsibilities. Allocation is not merely a benefit; it is an obligation. States exercising rights within allocated areas would assume responsibilities for activities conducted there, including environmental management, operational safety, and the consequences of harmful interference. Rights and duties would develop together. Participation in the system would therefore require stewardship as well as opportunity.

Importantly, the framework would benefit both major and minor powers. States possessing advanced space capabilities would gain legal certainty, predictable access arrangements, and opportunities for long-term investment without the need to establish *de facto* control through strategic competition. States lacking such capabilities would gain participation in humanity's extraterrestrial future through contractual and economic mechanisms rather than exclusion.

The purpose of the proposed Lunar Allocation Lottery framework is therefore neither redistribution nor limitation. It is prevention. Rather than waiting for competing interests to produce conflict, the framework seeks to establish expectations before conflict emerges. Rather than allowing facts on the ground to determine future distributions of opportunity, it seeks to determine those distributions through prior agreement.

The proposal may appear ambitious. Yet history suggests that the alternative is unlikely to be the absence of allocation. The alternative is allocation by other means. The question is whether humanity wishes to determine the future of the lunar frontier through contracts negotiated before conflict, or through arrangements imposed after conflict has already occurred.

VII. POSSIBLE OBJECTIONS

The proposal advanced in this article is likely to invite several objections. Some concern its compatibility with existing international space law, while others question its political feasibility. These objections deserve careful consideration. None, however, appears sufficient to undermine the central jurisprudential argument.

¹⁶ Turner, *supra* note 5, ¶ 2; Hobbes, *supra* note 4, pt. I, ch. XIII, at 88-90.

A first objection is that any prior allocation of lunar areas would constitute appropriation prohibited by Article II of the Outer Space Treaty. This proposal does not advocate the acquisition of sovereignty over lunar territory. It proposes the allocation of defined rights of peaceful utilization within an internationally agreed legal framework. The distinction is fundamental. Allocation under treaty differs conceptually from unilateral territorial acquisition.¹⁷

A second objection is that existing mechanisms, including the Outer Space Treaty and the Artemis Accords, are sufficient to govern future lunar activity. The difficulty is not that these instruments regulate too little, but that they were developed within an era of exploration rather than permanent settlement.¹⁸ As human activity becomes increasingly permanent, the legal questions inevitably become those of long-term governance rather than temporary access.¹⁹

A third objection concerns political feasibility. States may refuse any allocation framework regardless of its legal merits. This criticism may ultimately prove correct. Yet political uncertainty does not diminish the jurisprudential value of examining institutional alternatives. Throughout history, legal ideas have frequently preceded the political conditions necessary for their adoption.

A fourth objection questions the use of proportional terrestrial landmass as a possible basis for allocation. This article does not contend that proportionality represents the only acceptable criterion. It is offered as one possible method capable of producing a transparent and broadly equitable distribution. Other allocation methods remain possible within the same institutional framework.

Finally, it may be argued that no allocation mechanism is necessary because future disputes can be resolved as they arise. Historical experience offers little support for such optimism. Legal frameworks established before strategic competition hardens into entrenched interests have generally proven more stable than those constructed only after conflict has already emerged.

These objections do not eliminate the difficulties associated with a preemptive allocation framework. They demonstrate instead that the central question remains prudential rather than theoretical. The relevant issue is not whether every objection can be eliminated, but whether any available alternative is likely to produce a more peaceful and more predictable future for humanity's first permanent extraterrestrial frontier.²⁰

VIII. CONCLUSION

Humanity stands at the threshold of its first permanent extraterrestrial frontier. Whether that frontier develops peacefully or repeats familiar historical patterns will depend less upon technology than upon governance. The central argument advanced throughout this article is that territorial ordering is not prevented simply because sovereignty is prohibited. History suggests that frontiers are rarely organized through legal declarations alone. More often, they are organized

¹⁷ Outer Space Treaty, *supra* note 1, art. II.

¹⁸ Stephen Gorove, *Developments in Space Law* 26–28 (Martinus Nijhoff Publishers 1991) (hereinafter Gorove).

¹⁹ Outer Space Treaty, *supra* note 1; Artemis Accords, *supra* note 2.

²⁰ Turner, *supra* note 5, ¶ 2; Hobbes, *supra* note 4, pt. I, ch. XIII, at 88–90.

through presence, use, infrastructure, protection, and the gradual consolidation of practical control. If that historical pattern remains applicable beyond Earth, the Moon may already be entering the earliest stages of what this article has described as the Wild-Westification Paradox.

The proposal advanced herein is not based upon the assumption that states will voluntarily embrace a lunar allocation framework. History provides little reason for such optimism. The proposal is instead offered as a prudential alternative against which future developments may be measured. The relevant question is not whether allocation is politically easy. The relevant question is whether the alternatives are likely to produce better outcomes.

The Lunar Allocation Lottery should therefore be understood not as an attempt to predict the future, but as an attempt to influence it. It seeks to demonstrate that competition over the lunar frontier need not follow the historical sequence of first occupation, strategic rivalry, and eventual conflict. If territorial ordering is likely to emerge, humanity retains one important choice: whether that order develops through prior agreement or through the accumulation of *fait accompli*.

The ultimate significance of this proposal extends beyond the Moon itself. Humanity is approaching an era in which permanent settlements, resource extraction, and economic activity may expand throughout the Solar System.²¹ The legal and political choices made at the first extraterrestrial frontier are therefore likely to shape those that follow. If history teaches anything, it is that frontiers eventually become ordered. The remaining question is whether that order will be established through force or through foresight.²²

The Moon presents humanity with an opportunity that no previous civilization has possessed: the opportunity to decide how a frontier will be governed before conflict determines the answer. The choice may ultimately be a simple one. Wars—or contracts.

July 2026

²¹ Gorove, *supra* note 18, at 26–28.

²² Turner, *supra* note 5, ¶ 2; Hobbes, *supra* note 4, pt. I, ch. XIII, at 88–90.

APPENDICES

The accompanying annexes do not form part of the principal jurisprudential argument developed in this article. They are included to demonstrate that the theoretical framework advanced herein is capable of practical institutional implementation.

Annex I sets forth the governing principles underlying the proposed Lunar Allocation Lottery. Annex II translates those principles into the form of a draft international convention. Annex III provides explanatory commentary concerning the drafting choices, institutional structure, and intended interpretation of the proposed Convention.

Read together, the annexes are intended to demonstrate that the proposal advanced in this article is not merely conceptual, but capable of coherent legal expression through an integrated framework of principles, treaty provisions, and interpretive guidance.

ANNEX I

PRINCIPLES OF THE LUNAR ALLOCATION LOTTERY

I. Purpose

This Annex sets forth the institutional principles underlying the Lunar Allocation Lottery proposed in the accompanying article. It is intended to demonstrate that the jurisprudential argument advanced therein is capable of practical implementation through a coherent framework of international governance.

The Lottery is not conceived as a mechanism for partitioning the Moon in the traditional territorial sense. Nor does it seek to establish national sovereignty over lunar territory. Rather, it provides a structured method by which opportunities for peaceful utilization may be allocated before competition produces irreversible political realities.

The framework proceeds from a simple proposition. If territorial ordering is likely to emerge as permanent human activity expands beyond Earth, international law should seek to shape that process through prior agreement rather than permit it to develop through strategic competition alone.

II. Objectives

The proposed framework pursues six principal objectives.

First, to reduce the likelihood of future international conflict by allocating opportunities before competing claims arise.

Second, to provide legal certainty for States, international organizations, commercial operators, and scientific institutions engaged in lunar activities.

Third, to preserve the principle of non-appropriation established by the Outer Space Treaty while acknowledging the practical requirements of long-term human presence on the Moon.

Fourth, to enable participation by all Member States of the United Nations regardless of their present technological capabilities.

Fifth, to encourage international cooperation through voluntary contractual relationships rather than unilateral occupation.

Finally, to establish an adaptive governance structure capable of evolving alongside technological, scientific, and political developments.

III. Fundamental Principles

A. Prior Allocation

Throughout history, valuable frontiers have generally been organized after competition had already produced practical control. The proposed framework adopts the opposite approach. Rights of utilization should be determined before conflicting occupations occur rather than after political disputes have become entrenched.

B. Equality of Opportunity

The framework recognizes that the Moon represents humanity's first permanent extraterrestrial frontier. Participation in that frontier should not depend exclusively upon existing technological capacity. Every Member State should possess an opportunity to participate within a common legal framework.

C. Non-Sovereign Allocation

Allocation under the Lottery does not constitute territorial sovereignty. No State acquires ownership of any portion of the Moon. The framework instead recognizes limited rights of peaceful utilization and administration established exclusively through international agreement.

D. Peaceful Development

The primary purpose of allocation is conflict prevention rather than territorial distribution. Legal certainty reduces incentives for unilateral occupation while encouraging long-term planning and investment.

E. Stewardship

Allocated areas create responsibilities as well as opportunities. States participating in the framework assume obligations concerning environmental protection, operational safety, transparency, scientific cooperation, and compliance with international law.

IV. Participation

The framework intentionally separates participation from technological capability.

States lacking independent launch capacity remain capable of participating through leasing arrangements, joint ventures, scientific partnerships, licensing agreements, or other contractual relationships negotiated with technologically capable partners.

Accordingly, the framework transforms technological inequality into opportunities for international cooperation rather than permanent exclusion.

V. Economic Cooperation

The Lottery is designed to encourage markets without encouraging territorial rivalry.

Allocated rights may become the subject of lawful commercial arrangements including leases, development agreements, public-private partnerships, scientific cooperation, infrastructure sharing, and technology transfer.

The framework therefore encourages investment while preserving legal predictability and international oversight.

VI. Institutional Governance

The Lottery requires transparent international administration.

Accordingly, the accompanying Draft Convention establishes an International Lunar Registry responsible for recording allocated areas, legal interests, transfers, environmental obligations, and operational status.

Oversight is entrusted to a Lunar Governance Commission acting on behalf of the participating States. Its purpose is administrative rather than sovereign. The Commission neither owns nor governs the Moon. It administers the institutional framework established by treaty.

VII. Relationship with Existing International Space Law

The Lottery is intended to complement rather than replace the existing corpus of international space law.

Its institutional framework proceeds upon continued recognition of the Outer Space Treaty, while providing practical mechanisms for circumstances that the Treaty did not contemplate in 1967, including permanent settlements, commercial resource extraction, long-term infrastructure, and sustained economic activity.

VIII. Final Observation

The Lunar Allocation Lottery should not be understood as an attempt to predict how humanity will govern the Moon. It is offered as one possible institutional model through which future territorial ordering might develop under law rather than through competition alone.

Its purpose is neither to divide humanity nor to divide the Moon. Its purpose is to reduce the likelihood that humanity's first permanent extraterrestrial frontier will ultimately be divided by conflict.

ANNEX II

DRAFT CONVENTION ON THE PEACEFUL ALLOCATION AND GOVERNANCE OF THE MOON

PREAMBLE

The States Parties to this Convention,

Recognizing that humanity has entered a new era of permanent and sustained activity on the Moon;

Reaffirming the principles of the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies of 1967;

Affirming that the Moon is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means;

Recognizing that permanent settlements, resource utilization, scientific research, and commercial activities require a stable legal framework capable of ensuring legal certainty, peaceful cooperation, and equitable participation;

Convinced that uncertainty concerning future access to lunar resources and strategic locations may increase the risk of international disagreement and conflict;

Determined to establish a transparent system through which opportunities for peaceful lunar utilization may be allocated prior to the emergence of competing territorial claims;

Committed to ensuring that the exploration and utilization of the Moon shall continue for the benefit of present and future generations of humankind;

Have agreed as follows:

Article 1 Definitions

For the purposes of this Convention:

1. **Zone of Lunar Utilization (ZLU)** means a geographically defined area of the lunar surface allocated under this Convention for peaceful utilization, administration, scientific research, infrastructure development, or resource activities, without conferring territorial sovereignty.
2. **Lunar Allocation Lottery** means the international allocation mechanism established under this Convention for assigning Zones of Lunar Utilization to participating States.

3. **Lunar Registry** means the official international register maintained pursuant to this Convention recording all allocated Zones of Lunar Utilization, their legal status, transfers, leases, licenses, and other registered interests.
4. **Lunar Governance Commission** means the international body established under this Convention to administer, supervise, and implement its provisions.
5. **Heritage Zone** means a protected area of historical, scientific, cultural, or technological significance that is permanently excluded from allocation and commercial exploitation.
6. **Free Transit Corridor** means a designated demilitarized route established under this Convention to ensure unimpeded movement between or across Zones of Lunar Utilization.
7. **State Party** means any State that has ratified or acceded to this Convention and for which the Convention has entered into force.
8. **Private Operator** means any natural person, corporation, institution, consortium, or other non-governmental entity authorized by a State Party to conduct activities under this Convention.

Article 2

Purpose

The purposes of this Convention are:

1. To establish a peaceful and predictable legal framework governing the allocation and utilization of designated lunar areas.
2. To preserve the principle of non-appropriation established by international space law while providing legal certainty for sustained lunar activities.
3. To prevent the monopolization of lunar resources and strategically significant locations.
4. To promote international cooperation, scientific research, sustainable development, and the peaceful utilization of lunar resources.
5. To enable every State Party to participate in humanity's expansion beyond Earth irrespective of its present technological capabilities.
6. To reduce the likelihood of future international conflict by replacing first occupation and strategic competition with prior agreement under international law.

Article 3

Non-Appropriation and Jurisdiction

1. Nothing contained in this Convention shall constitute recognition of national sovereignty over any part of the Moon.
2. Allocation of a Zone of Lunar Utilization shall confer exclusive rights of peaceful utilization and administration solely within the framework established by this Convention and shall not constitute territorial ownership.
3. A State Party may authorize scientific, commercial, industrial, or infrastructure activities within its allocated Zone of Lunar Utilization in accordance with this Convention and the applicable rules of international law.

4. In accordance with Article VIII of the Outer Space Treaty, each State Party shall retain jurisdiction and control over its registered personnel, facilities, vehicles, and authorized activities conducted within its allocated Zone.
5. Activities conducted pursuant to this Convention shall remain exclusively peaceful in character.

Article 4

Zone Allocation and Lunar Registry

1. Every State Party shall be eligible to receive at least one Zone of Lunar Utilization through the Lunar Allocation Lottery established under this Convention.
2. Allocation shall be conducted according to the principles of transparency, equality of opportunity, and international supervision.
3. Every allocated Zone shall be recorded in the Lunar Registry together with its coordinates, legal status, authorized activities, environmental restrictions, and registered legal interests.
4. Leases, licenses, joint ventures, transfers, and other contractual arrangements affecting an allocated Zone shall become effective only upon registration in the Lunar Registry.
5. The Lunar Registry shall remain publicly accessible except where confidentiality is required for legitimate security or proprietary reasons recognized under this Convention.

Article 5

Heritage Zones

1. Heritage Zones shall consist of areas of exceptional historical, scientific, technological, or cultural significance to humanity.
2. Heritage Zones shall include, but shall not be limited to, the Apollo landing sites, the Luna mission sites, the Chang'e mission sites, and other locations designated by the Lunar Governance Commission upon recommendation of the States Parties.
3. No Zone of Lunar Utilization shall be established within a designated Heritage Zone.
4. Scientific observation, preservation, and limited educational activities may be conducted within Heritage Zones under regulations adopted by the Lunar Governance Commission.
5. The Lunar Governance Commission shall maintain an official Register of Heritage Zones and shall periodically review the designation of additional sites.

Article 6

Free Transit Corridors

1. Free Transit Corridors shall be established to ensure uninterrupted movement between and across Zones of Lunar Utilization.
2. No State Party shall obstruct, deny, restrict, or otherwise interfere with lawful passage through a designated Free Transit Corridor.
3. Free Transit Corridors shall remain permanently demilitarized.

4. The location, dimensions, and operational regulations governing Free Transit Corridors shall be determined and periodically reviewed by the Lunar Governance Commission following consultation with the affected States Parties.
5. The exercise of transit rights shall be conducted with due regard for operational safety, environmental protection, and the lawful activities of neighboring Zones of Lunar Utilization.

Article 7

Environmental Protection

1. States Parties shall ensure that all activities conducted within their respective Zones of Lunar Utilization minimize adverse impacts upon the lunar environment.
2. Prior to establishing any permanent installation, extractive activity, or infrastructure project, the responsible State Party shall submit an Environmental Impact Assessment to the Lunar Governance Commission.
3. States Parties shall adopt reasonable measures to prevent contamination, excessive alteration of the lunar surface, and unnecessary interference with scientific investigations.
4. The Lunar Governance Commission shall establish minimum environmental standards and shall periodically publish reports concerning compliance with those standards.
5. Environmental obligations established under this Convention shall continue throughout the duration of all authorized activities.

Article 8

Dispute Resolution

1. States Parties shall seek to resolve disputes arising under this Convention through consultation and negotiation.
2. Where diplomatic consultation fails to resolve a dispute within a reasonable period, the matter shall be submitted to mediation under the auspices of the Lunar Governance Commission.
3. If mediation is unsuccessful, either party may refer the dispute to the Arbitration Panel established by the Lunar Governance Commission, whose decision shall be binding unless the parties mutually agree otherwise.
4. Nothing in this Convention shall prejudice the right of States Parties to submit disputes to the International Court of Justice or to another forum agreed upon by the parties.
5. Pending final resolution, the parties shall refrain from any action capable of aggravating or extending the dispute.

Article 9

Amendments

1. Any State Party may propose amendments to this Convention.
2. Proposed amendments shall be circulated to all States Parties not less than six months before their consideration.

3. Amendments shall enter into force upon ratification by two-thirds of the States Parties.
4. Amendments of an urgent administrative character may be provisionally adopted by unanimous decision of the Lunar Governance Commission pending formal ratification by the States Parties.
5. No amendment shall be interpreted as authorizing national sovereignty over any part of the Moon or as diminishing the principle of peaceful utilization established by this Convention.

Article 10

Ratification

1. This Convention shall be open for signature by all Member States of the United Nations.
2. This Convention shall be subject to ratification, acceptance, or approval in accordance with the constitutional procedures of each State.
3. Instruments of ratification, acceptance, approval, or accession shall be deposited with the Depositary designated under Article 13.
4. Any State not having signed this Convention before its entry into force may accede to it at any time.

Article 11

Entry into Force

1. This Convention shall enter into force on the ninetieth day following the deposit of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding after the entry into force of this Convention, the Convention shall enter into force on the ninetieth day following the deposit of its instrument of ratification or accession.
3. The provisions of this Convention shall apply only between States Parties.

Article 12

Withdrawal

1. Any State Party may withdraw from this Convention by written notification to the Depositary.
2. Withdrawal shall take effect one year after the date on which the notification is received, unless a later date is specified in the notification.
3. Withdrawal shall not affect rights, obligations, liabilities, contracts, licenses, leases, or dispute-settlement proceedings arising prior to the effective date of withdrawal.
4. Upon withdrawal, the legal status of any Zone of Lunar Utilization allocated to the withdrawing State shall be determined in accordance with procedures adopted by the Lunar Governance Commission.

Article 13
Depositary

1. The Secretary-General of the United Nations shall serve as the Depositary of this Convention.
2. The Depositary shall receive and circulate signatures, instruments of ratification, accession, withdrawal, amendments, and all official communications relating to this Convention.
3. The Depositary shall notify all States Parties of the entry into force of this Convention and of any subsequent amendments or accessions.

Article 14
Authentic Texts

1. The Arabic, Chinese, English, French, Russian, and Spanish texts of this Convention shall be equally authentic.
2. The original of this Convention shall be deposited with the Secretary-General of the United Nations, who shall transmit certified copies to all States entitled to become Parties.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

Done at _____ on the _____ day of _____, XXXX

ANNEX III

EXPLANATORY COMMENTARY TO THE DRAFT CONVENTION

Introduction

This Commentary accompanies the Draft Convention on the Peaceful Allocation and Governance of the Moon. It is intended to explain the rationale underlying the principal provisions of the Convention and to assist in their interpretation. It does not form part of the Convention itself and possesses no independent legal force.

The Convention should be read together with the accompanying article, *The Wild-Westification Paradox: Contracts, Not Wars*. Whereas the article identifies the jurisprudential problem presented by the gradual emergence of territorial ordering on the Moon, the Convention proposes one possible institutional response. This Commentary bridges the two documents by explaining why particular legal mechanisms have been adopted and how they are intended to operate.

Commentary to the Preamble

The Preamble establishes the philosophical and legal foundations of the Convention. It reaffirms the continuing applicability of the Outer Space Treaty while acknowledging that permanent lunar activity presents institutional questions that were not contemplated in 1967. The Preamble therefore frames the Convention as a complement to existing international space law rather than as a replacement for it.

Its central purpose is preventive rather than corrective. The Convention proceeds from the premise that legal institutions should be designed before strategic competition produces irreversible political realities.

Commentary to Article 1 – Definitions

Article 1 establishes a common legal vocabulary. The definitions are intended to distinguish clearly between territorial sovereignty and rights of peaceful utilization. Particular importance is attached to the concept of the Zone of Lunar Utilization, which represents a legally recognized administrative area rather than a transfer of territorial ownership.

The remaining definitions provide institutional certainty and reduce the likelihood of conflicting interpretations during implementation.

Commentary to Article 2 – Purpose

Article 2 defines the objectives pursued by the Convention. These objectives are intentionally broader than resource extraction alone. They include legal certainty, peaceful cooperation, equitable participation, environmental responsibility, and conflict prevention.

The Article reflects the central proposition advanced throughout the accompanying article: legal certainty is more likely to preserve peace than strategic ambiguity.

Commentary to Article 3 – Non-Appropriation and Jurisdiction

Article 3 constitutes the legal cornerstone of the Convention.

It preserves the principle of non-appropriation while recognizing that permanent human activity necessarily requires identifiable administrative authority. The Convention therefore distinguishes between sovereignty, which remains prohibited, and administration, which becomes necessary for the orderly conduct of sustained lunar activities.

The provision should not be interpreted as creating territorial ownership. Rather, it recognizes functional legal authority exercised exclusively within the institutional framework established by the Convention.

Commentary to Article 4 – Zone Allocation and Lunar Registry

Article 4 introduces the principal innovation of the Convention.

Historically, territorial ordering has frequently followed occupation. The Convention deliberately reverses that sequence by allocating opportunities before competing occupations occur. The Registry provides transparency, legal certainty, and public accountability while reducing the likelihood of overlapping claims.

Commentary to Article 5 – Heritage Zones

The protection of Heritage Zones reflects the view that certain locations possess significance extending beyond national interests.

The preservation of humanity's earliest lunar achievements is intended to recognize their scientific, historical, and cultural importance while ensuring that future development does not erase the record of humanity's first steps beyond Earth.

Commentary to Article 6 – Free Transit Corridors

The establishment of Free Transit Corridors seeks to prevent geographical isolation and unnecessary political friction.

Freedom of movement has historically contributed to stability within complex political systems. The Convention applies that principle to the lunar environment by ensuring that allocated areas remain interconnected through internationally protected routes.

Commentary to Article 7 – Environmental Protection

Environmental obligations are inseparable from rights of utilization.

The Convention therefore requires environmental assessment not as an obstacle to development but as a condition of responsible stewardship. Long-term utilization of the Moon depends upon preserving the integrity of its environment for future generations.

Commentary to Article 8 – Dispute Resolution

Article 8 reflects the preference for peaceful settlement that characterizes contemporary international law.

The graduated sequence of consultation, mediation, arbitration, and judicial settlement seeks to resolve disagreements before they develop into broader political disputes.

Commentary to Article 9 – Amendments

No institutional framework can anticipate every technological or political development.

Article 9 therefore recognizes that the Convention must remain capable of peaceful evolution through collective agreement among the States Parties while preserving its fundamental principles.

Commentary to Articles 10–14

The remaining Articles contain the standard procedural provisions governing ratification, entry into force, withdrawal, depositary functions, and authentic texts.

Although procedural in nature, these provisions complete the Convention as a functioning international legal instrument and ensure its compatibility with established treaty practice.

Concluding Observation

The Convention does not proceed from the assumption that its adoption is politically inevitable. Rather, it is intended to demonstrate that an alternative to historical patterns of frontier competition is institutionally possible.

Whether humanity ultimately adopts this or another framework remains uncertain. The more immediate objective is to demonstrate that the governance of the Moon need not be left to the gradual emergence of *fait accompli*. If territorial ordering is foreseeable, international law possesses the capacity to influence its form before history determines it instead.