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## Committee on the Peaceful

### Uses of Outer Space

#### Legal Subcommittee

#### Sixty-third session

Vienna, 15–26 April 2024

Item 9 of the provisional agenda\*

#### **General exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources**

## **Updated summary by the Chair and Vice-Chair of views and contributions received on the mandate and purpose of the Working Group on Legal Aspects of Space Resource Activities**

### **I. Introduction and background**

1. In accordance with the five-year workplan and methods of work of the Working Group on Legal Aspects of Space Resource Activities ([A/AC.105/1260](#), annex II, appendix), the initial tasks to be carried out by the Working Group in 2022 included undertaking initial administrative, information-collection and stocktaking tasks as provided for in the mandate of the Working Group, including through submissions by States members of the Committee on the Peaceful Uses of Outer Space with regard to the mandate and purpose of the Working Group.
2. On 1 July 2022, the Chair and Vice-Chair of the Working Group invited the permanent missions of all member States to provide submissions on the mandate and purpose of the Working Group. They also invited organizations with permanent observer status with the Committee to contribute to the initial information-collection and stocktaking activity, as appropriate.
3. As indicated in the five-year workplan and methods of work of the Working Group, the Chair and Vice-Chair were directed to, inter alia, collate and disseminate all submissions received with reference to that request and to prepare a preliminary summary of those submissions in 2023, supported by the Secretariat, for the further consideration of the Working Group.
4. Accordingly, the Chair and Vice-Chair prepared a preliminary summary of the information collected and views expressed and, on 12 January 2023, issued the document entitled “Summary by the Chair and Vice-Chair of views and contributions received on the mandate and purpose of the Working Group on Legal Aspects of Space Resource Activities” ([A/AC.105/C.2/120](#)).

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\* [A/AC.105/C.2/L.326](#).



5. As indicated in the five-year workplan and methods of work for the Working Group, the Chair and Vice-Chair were directed to, inter alia, review and update in 2024 the preliminary summary prepared in 2023 of the information collected and views expressed and consolidate any additional relevant information and views presented for submission to the Working Group for further consideration.

## II. Actions undertaken

6. All views of member States and contributions by permanent observers that have been received pursuant to the invitation by the Chair and the Vice-Chair for submissions from member States and organizations having permanent observer status with the Committee regarding the legal aspects of space resource activities have been posted on the dedicated web page of the Working Group<sup>1</sup> and were made available to the Legal Subcommittee at its sixty-second session as conference room papers (A/AC.105/1285, para. 161).

7. In accordance with the five-year workplan and methods of work for the Working Group, preparations are currently being undertaken to convene the dedicated international conference in conjunction with the sixty-third session of the Legal Subcommittee.

8. During the sixty-sixth session of the Committee, the Working Group agreed that presenters at the event entitled “Expert meeting collecting preliminary inputs for consideration at the international conference in Vienna in 2024”, to be held in Luxembourg, would be nominated by their respective national delegations and that the list of speakers would be prepared and finalized in close consultation between the Chair and the Vice-Chair of the Working Group and States members of the Committee (A/78/20, para. 233).

9. Also at that session of the Committee, the Working Group agreed that the international conference would be conducted in an inclusive and transparent manner, within the scope and on the basis of the following topics:

- (a) Implications of the legal framework for space resource activities;
- (b) The role of information-sharing in supporting space resource activities;
- (c) The scope of future space resource activities;
- (d) Environmental and socioeconomic aspects of space resource activities;
- (e) International cooperation in scientific research and technological development for space resource activities (A/78/20, para. 234).

10. In accordance with the agreement reached at the sixty-sixth session of the Committee, the Chair and the Vice-Chair called upon member States to nominate speakers and participants for both the expert meeting and the international conference and held four intersessional meetings to consult with member States to prepare and finalize the lists of topics and speakers. Those lists, as agreed by the Working Group, are available on the dedicated web page of the Working Group.

## III. Summary of views and contributions

11. The submissions to the Working Group, as at 19 February 2024, are contained in the annex to the present document. The Chair and Vice-Chair wish to express their gratitude to all delegations and permanent observers for their detailed responses.

12. The Chair and Vice-Chair have prepared the present updated summary of those submissions. The Chair and Vice-Chair wish to point out that the updated summary relates only to issues of a more general nature regarding the broad parameters of the

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<sup>1</sup> [www.unoosa.org/oosa/en/ourwork/copuos/lsc/space-resources/index.html](http://www.unoosa.org/oosa/en/ourwork/copuos/lsc/space-resources/index.html).

mandate and purpose of the Working Group. It is not intended to cover the many detailed substantive issues that were raised in the submissions. The updated summary is therefore not intended to, and does not, cover all of the views of member States and contributions of permanent observers set out in their respective submissions. Accordingly, the Chair and Vice-Chair encourage all member States and permanent observers to read the full submissions, which are posted on the dedicated web page of the Working Group.

## **A. Views of States members of the Committee**

13. During the sixty-second session of the Legal Subcommittee, delegations expressed views under the agenda item entitled “General exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources”.

14. Some delegations were in favour of defining space resources, while some delegations were against such a definition. The desirability, or not, of establishing at the outset an international regime governing space resource activities prior to such activities being undertaken was also discussed.

15. Some delegations were of the view that any regime established should protect the rights of developing countries, and that scientific investigations for unique places containing desirable resources in space should be given consideration in such a regime.

16. It was noted that the sharing and exchange of information on the scope, nature and locations of resources to be explored would contribute to confidence-building, transparency and reassurance that the activities were being conducted in accordance with the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and States’ obligations under international law, as well as serving as a basis for international cooperation and the coordination of space resource activities.

17. Some delegations were of the view that a multilateral mechanism should be established to support the coordination of and cooperation on space resource activities as a way to ensure the consistency of those activities with the provisions of the Outer Space Treaty.

18. At the sixty-sixth session of the Committee, delegations expressed views under the agenda item entitled “Report of the Legal Subcommittee on its sixty-second session”. It was noted that greater information-sharing on space resource activities would be a key element in ensuring the sustainability of such activities and that an international framework would support and enable those activities, consistent with the provisions of Outer Space Treaty and for the benefit and in the interests of all countries.

19. Most delegations were of the view that the five United Nations treaties on outer space, along with other relevant governance instruments of international law, constituted an important basis for the study of the existing legal framework for space resource activities.

20. Several delegations were of the view that consideration of various other documents would yield relevant and useful input to the work of the Working Group. Among the documents referred to by those delegations were the Artemis Accords on the Principles for Cooperation in the Civil Exploration and Use of the Moon, Mars, Comets, and Asteroids for Peaceful Purposes, the building blocks for the development of an international framework on space resources developed by the Hague International Space Resources Governance Working Group, various pieces of national legislation, and expert work by civil society organizations.

21. Several delegations were of the view that consideration of the work and structure of other international governance regimes would yield relevant and useful input to the

work of the Working Group. Among the international governance regimes referred to by those delegations were those of the International Seabed Authority, the International Telecommunication Union, the Antarctic Treaty System and the Committee on Space Research.

22. Most delegations were of the view that, because the governance of orbit and frequency-related activities came under the mandates of existing international organizations, it was not within the scope of the work of the Working Group.

23. Some delegations were of the view that issues relating to celestial bodies that had particular significance for astronomical research and investigation fell within the scope of the work of the Working Group.

24. Some delegations were of the view that the work of the Working Group included the exploration, exploitation and utilization of space resources. Specific activities that were referred to by those delegations and were considered to fall within the scope of the work of the Working Group included in situ prospecting and extraction, the taking of samples, scientific research and investigation, logistical activities, surveying, mapping and remote sensing of celestial bodies and the return of space resources to Earth.

25. Most delegations were of the view that the further development of a framework for space resource activities would be beneficial, including in terms of predictability, safety, sustainability and the peaceful use of outer space, and that any such future framework should be consistent with the existing legal framework for such activities.

26. Most delegations were of the view that a consideration of issues relating to sustainability, the conservation of the space environment and the rehabilitation of areas where space resource activities were undertaken would be relevant to the scope of the work of the Working Group.

27. Some delegations were of the view that the interests of developing countries with emerging space capabilities should be specifically taken into account in the work of the Working Group.

28. Most delegations were of the view that the initial recommended principles to be developed by the Working Group should be finalized in a collaborative manner and should be of a general and practical nature so as to enable implementation by States, while also remaining consistent with the existing legal framework for space resource activities.

29. Some delegations were of the view that actions at the national level, including the establishment of a national database of experts and the convening of national stakeholder workshops, would assist member States in collecting information that might be of relevance to the work of the Working Group.

30. The view was expressed that particular initiatives developed outside of the broad multilateral framework, as well as national legislation, might have an adverse impact on the interests of those States that were not in a position to conduct space resource activities in the foreseeable future.

31. The view was expressed that the Working Group should establish a number of subcommittees to identify and focus on specific issues.

## **B. Contributions of organizations having permanent observer status with the Committee**

32. The organizations having permanent observer status with the Committee that submitted contributions represent a diversity of stakeholders, perspectives and interests. The following is a non-exhaustive list of the many suggestions made in their respective contributions for possible inclusion in the scope of the work of the Working Group:

- (a) The impact that space resource activities will have on cultural heritage;

- (b) The need to reflect the objectives of the Guidelines for the Long-term Sustainability of Outer Space Activities adopted by the Committee in 2019 ([A/74/20](#), para. 163 and annex II);
- (c) The development of different governance principles for space resource activities on the Moon as compared with other celestial bodies;
- (d) The need to clarify certain core concepts in the United Nations treaties on outer space;
- (e) The importance of benefit-sharing principles and coordination mechanisms, to be developed in a coordinated manner by the Working Group, for the implementation of the initial recommended principles;
- (f) The mitigation of harmful impacts and interference;
- (g) The recognition of resource “rights”;
- (h) The dissemination of data;
- (i) The creation of a catalogue of space resources, including scarce resources;
- (j) The development of different resource management schemes depending on the type of resource;
- (k) The development of appropriate preservation measures;
- (l) The limitations of space resource activities on the Moon in terms of time and size.

#### IV. Next steps

33. In addition to providing the updated summary set out above, the Chair and Vice-Chair wish to reiterate that, although a proposed deadline of 31 December 2022 was referred to in the circular of 1 July 2022, their invitation remains open to all delegations from member States and organizations having permanent observer status with the Committee to provide their views and contributions, respectively, regarding the mandate and purpose of the Working Group at any time.

34. Further submissions can be sent directly to the Chair, Vice-Chair and Secretariat by email at [andrzej.misztal@outlook.com](mailto:andrzej.misztal@outlook.com), [s.freeland@westernsydney.edu.au](mailto:s.freeland@westernsydney.edu.au) and [unoosa-spacelaw@un.org](mailto:unoosa-spacelaw@un.org), respectively.

35. The Chair and Vice-Chair remain at the disposal of the Working Group and the Committee and stand ready to assist in any way that the Working Group and the Committee decide is appropriate.

## Annex

### **Submissions presented for consideration by the Working Group on Legal Aspects of Space Resource Activities**

1. Documents and conference room papers prepared by the Chair and Vice-Chair of the Working Group on Legal Aspects of Space Resource Activities:

(a) Summary by the Chair and Vice-Chair of views and contributions received on the mandate and purpose of the Working Group on Legal Aspects of Space Resource Activities (A/AC.105/C.2/L.120);

(b) Conference room papers containing a status overview of the Working Group (A/AC.105/C.1/2023/CRP.16 and A/AC.105/C.2/2023/CRP.5).

2. Submissions by States members of the Committee:

(a) Working paper submitted by Luxembourg and Netherlands (Kingdom of the) entitled “Building blocks for the development of an international framework on space resource activities” (A/AC.105/C.2/L.315);

(b) Conference room paper submitted by Greece containing a proposal for a questionnaire related to the discussion of item 15, on potential legal models for the exploration, exploitation and utilization of space resources (A/AC.105/C.2/2022/CRP.13);

(c) Conference room paper submitted by Austria, Belgium, Czechia, Finland, Germany, Luxembourg, Norway, Portugal and Romania on the endorsement of the workplan of the Working Group and proposals for the international conference (A/AC.105/C.2/2022/CRP.21);

(d) Working paper submitted by Belgium containing its contribution to the general exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources (A/AC.105/C.2/L.325);

(e) Conference room paper containing a proposal submitted by Australia, Austria and Netherlands (Kingdom of the) entitled “Relevant considerations for developing a set of initial recommended principles for the exploration, exploitation and utilization of space resources” (A/AC.105/C.2/2023/CRP.6);

(f) Conference room paper containing the submission of Australia on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.7);

(g) Conference room paper containing the submission of Azerbaijan on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.8);

(h) Conference room paper containing the submission of Bahrain on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.9);

(i) Conference room paper containing the submission of Belarus on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.10);

(j) Conference room paper containing the submission of Canada on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.11);

(k) Conference room paper containing the submission of France on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.12);

(l) Conference room paper containing the submission of Germany on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.13);

(m) Conference room paper containing the submission of Greece on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.14);

(n) Conference room paper containing the submission of Jordan on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.15);

(o) Conference room paper containing the submission of Luxembourg on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.16);

(p) Conference room paper containing the submission of Morocco on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.17);

(q) Conference room paper containing the submission of New Zealand on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.18);

(r) Conference room paper containing the submission of Norway on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.19);

(s) Conference room paper containing the submission of the Russian Federation on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.20);

(t) Conference room paper containing the submission of the United Kingdom of Great Britain and Northern Ireland on the mandate and scope of the Working Group (A/AC.105/C.2/2023/CRP.21);

(u) Conference room paper containing the submission of Japan on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.33);

(v) Conference room paper containing the submission of Belgium on the general exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources (A/AC.105/C.2/2023/CRP.36);

(w) Conference room paper containing the initial submission of the United States of America to the Working Group (A/AC.105/C.2/2023/CRP.37);

(x) Conference room paper containing the initial submission of China to the Working Group (to be issued at the sixty-third session of the Legal Subcommittee).

### 3. Submissions by observer organizations:

(a) Conference room paper submitted by the European Space Agency (A/AC.105/C.2/2023/CRP.22);

(b) Conference room paper submitted by the Moon Village Association (A/AC.105/C.2/2023/CRP.23);

(c) Conference room paper submitted by the National Space Society (A/AC.105/C.2/2023/CRP.24);

(d) Conference room paper submitted by the Open Lunar Foundation (A/AC.105/C.2/2023/CRP.25);

(e) Conference room paper submitted by the Space Generation Advisory Council (A/AC.105/C.2/2023/CRP.26);

(f) Conference room papers submitted by the Moon Village Association on its Global Expert Group on Sustainable Lunar Activities (A/AC.105/C.2/2022/CRP.15 and A/AC.105/C.2/2023/CRP.31);

(g) Conference room paper submitted by The Hague Institute for Global Justice on the Washington compact on norms of behaviour for commercial space operations (A/AC.105/C.2/2023/CRP.32);

(h) Conference room paper containing the submission of For All Moonkind on the mandate and purpose of the Working Group (A/AC.105/C.2/2023/CRP.35).

### 4. Submissions in relation to the scope and topics of the international conference to be held in 2024:

(a) Conference room papers submitted by Belgium and Luxembourg on the international conference (A/AC.105/2023/CRP.11 and A/AC.105/C.2/2023/CRP.41);

(b) Conference room paper containing contributions from Algeria, Australia, Brazil, Cuba, Ecuador, the Russian Federation, Slovakia and Türkiye on the international conference (A/AC.105/2023/CRP.7);

(c) Conference room paper submitted by Luxembourg on the scope and topics of the international conference (A/AC.105/2023/CRP.18);

(d) Conference room paper submitted by Belgium on the scope and topics of the international conference (A/AC.105/2023/CRP.19);

(e) Conference room paper submitted by Austria, Belgium, Czechia, Finland, Germany, Greece, Luxembourg, Netherlands (Kingdom of the), Norway, Poland, Portugal, the Republic of Korea, Slovakia, Sweden, Switzerland and the United Kingdom on the scope and topics of the international conference (A/AC.105/2023/CRP.26).

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