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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
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Vienna, 15–26 April 2024

Draft report

Addendum

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

1. Pursuant to General Assembly resolution 78/72, the Legal Subcommittee considered agenda item 9, entitled “General exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources”, as an item under a workplan.
2. The representatives of Argentina, Australia, Austria, Brazil, Canada, China, France, Germany, Greece, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Luxembourg, Malaysia, Mexico, Netherlands (Kingdom of the), New Zealand, Pakistan, the Philippines, the Republic of Korea, the Russian Federation, Thailand, Türkiye, the United Kingdom, the United States and Venezuela (Bolivarian Republic of) made statements under the agenda item. The representative of Pakistan also made a statement on behalf of the Group of 77 and China. A statement was also made under the item by the observer for SGAC. During the general exchange of views, statements relating to the item were also made by representatives of other member States.
3. At its 1054th meeting, the Subcommittee reconvened its Working Group established under the agenda item, with Andrzej Misztal (Poland) as Chair and Steven Freeland (Australia) as Vice-Chair.
4. At its [...] meeting, on [...] April, the Subcommittee endorsed the report of the Working Group, contained in annex II to the present report.
5. The Subcommittee had before it the following:
 - (a) 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 ([A/AC.105/C.2/L.328](#));
 - (b) Conference room paper submitted by China containing its response to the invitation to provide information on the mandate and purpose of the Working Group on Legal Aspects of Space Resource Activities ([A/AC.105/C.2/2024/CRP.5](#));



(c) Conference room paper entitled “Summary of the expert meeting collecting preliminary inputs for consideration at the international conference in Vienna in 2024” (A/AC.105/C.2/2024/CRP.15);

(d) Conference room paper submitted by the Republic of Korea containing its response to the invitation to provide information on the mandate and purpose of the Working Group on Legal Aspects of Space Resource Activities (A/AC.105/C.2/2024/CRP.17);

(e) Conference room paper entitled “Information on the International Conference on Space Resources of the Working Group on Legal Aspects of Space Resource Activities” (A/AC.105/C.2/2024/CRP.23);

(f) Conference room paper submitted by Australia entitled “Consideration of general themes and obligations, commitments or guidelines to an activity contributing to exploration and scientific investigation of the Moon” (A/AC.105/C.2/2024/CRP.24);

(g) Conference room paper submitted by Luxembourg containing a submission by the European Space Resources Innovation Centre on its views on the current status and priorities for selected key areas related to the utilization of space resources (A/AC.105/C.2/2024/CRP.29);

(h) Conference room paper submitted by Luxembourg and Belgium entitled “Expert meeting collecting preliminary inputs for consideration at the international conference in Vienna in 2024, held on 26 March 2024 in Luxembourg: Luxembourg and Belgium review” (A/AC.105/C.2/2024/CRP.31).

6. The Subcommittee heard the following presentations:

(a) “Outcomes of the ‘International Workshop on Space Resources: Perspectives of New Entrant Space Exploration Programmes’”, by the representative of the Republic of Korea;

(b) “The evolution and future vision of in situ resource utilization activities in the United Kingdom”, by the representative of the United Kingdom;

(c) “Including heritage protection in potential legal models for activities in the exploration, exploitation and utilization of space resources”, by the observer for For All Moonkind;

(d) “True enemy of sustainability”, by the observer for the National Space Society.

7. Pursuant to the agreement reached by the Working Group at the sixty-sixth session of the Committee on the Peaceful Uses of Outer Space, in 2023 (A/78/20, para. 234), and in accordance with the five-year workplan and methods of work for the Working Group (A/AC.105/1260, annex II, para. 6 and appendix), the International Conference on Space Resources was held on 15 April 2024, during the sixty-third session of the Legal Subcommittee.

8. Pursuant to the agreement reached by the Working Group during that same session of the Committee, an event entitled “Expert meeting collecting preliminary inputs for consideration at the international conference in Vienna in 2024” was held on 26 March 2024, co-hosted by Belgium and Luxembourg and organized in cooperation with the United Nations (A/78/20, para. 232).

9. The Subcommittee noted that the International Conference and the expert meeting addressed five overarching topics relevant to the exploration, exploitation and utilization of space resources that had been agreed by the Working Group at the sixty-sixth session of the Committee (A/78/20, para. 234). In that regard, the Subcommittee noted that the expert meeting had been aimed at gathering preliminary inputs on the scope of future space resource activities; environmental and socioeconomic aspects of space resource activities; and international cooperation in scientific research and technological development for space resource activities. The

Subcommittee further noted that the International Conference was composed of two panels, the first on implications of the legal framework for space resource activities and the second on the role of governance, including information-sharing, in supporting space resource activities.

10. The Subcommittee noted with appreciation that the International Conference and the expert meeting had provided important contributions to the work of the Working Group in addressing the multifaceted nature of the exploration, exploitation and utilization of space resources and in assessing the benefits of further development of a framework for such activities. The Subcommittee further noted that the International Conference and the expert meeting had provided an opportunity to collect the views of experts who might not normally participate directly in the work of the Working Group and expressed appreciation to all the panellists. The Subcommittee also noted that a single report on the International Conference, including the results of the expert meeting, would be made available at the sixty-seventh session of the Committee, in June 2024, in the six official languages of the United Nations (A/78/20, para. 233).

11. The Subcommittee noted with appreciation the work of the Working Group towards the development of a set of initial recommended principles for space resource activities, taking into account the need to ensure that such activities are carried out in accordance with international law and in a safe, sustainable, rational and peaceful manner.

12. Some delegations expressed the view that the Committee and, in particular, the Legal Subcommittee, were the proper forum in which to discuss and develop potential legal models for activities in the exploration, exploitation and utilization of space resources.

13. Some delegations expressed the view that the discussion of space resources should be as inclusive as possible for the benefit and in the interest of all humankind, taking into consideration the needs of developing countries, and that any approach to developing a framework for the exploration, exploitation and utilization of space resources should be equitable, constructive, collaborative and based on consensus, and, most of all, did not leave behind or unfairly disadvantage developing countries. The delegations expressing that view were also of the view that discussions on space resources should not depart from the existing legal principles of the non-appropriation of and equitable access to outer space as the common province of humankind and should, in order to ensure inclusivity and transparency, be held in the formal meetings of the Subcommittee and the Working Group, with sufficient time being allocated to those discussions and with interpretation services in the six official languages of the United Nations.

14. Some delegations expressed the view that measures should be adopted that enabled all nations to participate in space resource activities in a peaceful, equitable, secure and sustainable manner, irrespective of their degree of scientific and technological development and whether they had the capacity to engage in such space resource activities at present.

15. Some delegations expressed the view that space resource activities and related rules should be consistent with the legal framework of existing space law, in particular the Outer Space Treaty, and that although the Treaty did not specifically address space resources, it contained relevant principles, such as the free exploration and use, non-appropriation and protection of the outer space environment, and due regard for the corresponding interests of all other States parties, that should be taken into account in developing an initial set of recommended principles on the exploration, exploitation and use of space resources.

16. Some delegations expressed the view that the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies set out specific principles relevant to the exploration of the Moon and envisaged the potential establishment of a regime to govern exploitation of the Moon's natural resources.

17. Some delegations expressed the view that the development of a set of principles relating to space resource activities should take into account a step-by-step approach of adaptive governance and that, given the early stages of those activities, such principles should be general enough and serve as an enabler for the rapidly evolving scientific, technological and operational aspects of space resource activities while providing an adequate framework to ensure safety, sustainability and adherence to the existing global space governance frameworks and, in particular, the Outer Space Treaty.

18. The view was expressed that there were potential benefits to developing a general, high-level initial set of recommended principles, which would help ensure that all nations engaged in space resource activities shared a common set of fundamental values and principles, including respect for the rule of law, transparency, the values and principles of open science, interoperability, avoiding harmful interference, and the exploration and use of outer space for peaceful purposes. The delegation expressing that view was also of the view that the Artemis Accords on the Principles for Cooperation in the Civil Exploration and Use of the Moon, Mars, Comets, and Asteroids for Peaceful Purposes underscored those and other essential principles and served as a starting point for the signatories of the Artemis Accords with respect to future work on space resources.

19. Some delegations expressed the view that any discussion on the rules governing space resource activities should be conducted within the framework of provisions of the Outer Space Treaty and existing international space law. The delegations expressing that view were also of the view that the discussions should prioritize practical concerns and principles, such as non-appropriation; encouraging space resource activities for the purpose of scientific investigation; improving the coordination of space resource activities; strengthening the supervision of space resource activities carried out by non-governmental entities; and ensuring the sustainability of space resource activities.

20. The view was expressed that a comprehensive regime governing space resource activities would be desirable and should encompass elements that would regulate jurisdiction, responsibility and title; cooperation, due regard, avoidance of harmful impact, and safety zones; technical standards and monitoring; the sharing of benefits and information; and institutional aspects such as a registry, a dispute settlement mechanism and a regular review of the regime itself.

21. Some delegations expressed the view that discussions on a legal framework governing space resource activities should take into consideration relevant work already undertaken, such as the building blocks for the development of an international framework on space resource activities, as set out in the working paper submitted by Luxembourg and Netherlands (Kingdom of the) ([A/AC.105/C.2/L.315](#)), including the definition of space resources proposed in those building blocks.

22. The view was expressed that the existing rules dealing with the management and use of limited resources in international areas, such as the administration of the international seabed by the International Seabed Authority, the frequency spectrum management regime of ITU and the legal regime governing the Antarctic, could serve as a guide in developing a framework for the exploration, exploitation and utilization of space resources.

23. The view was expressed that, since maritime law, airspace law and outer space law were governed by different treaties and entities, the mandate of the Committee and its subcommittees should be strictly adhered to when developing the set of principles for space resource activities. The delegation expressing that view was also of the view that attempts to introduce other instruments that did not fall within the mandate of the Committee were inappropriate.

24. The view was expressed that complex technical, economic, political, legal and ethical issues pertaining to the exploration, exploitation and utilization of space resource activities required that those activities be undertaken within a strict legal

framework that was widely adhered to. The delegation expressing that view was also of the view that unilateral national measures undertaken by States related to space resource activities, such as measures to legalize the appropriation of extracted mineral resources and the establishment of exclusionary safety zones around space resource installations, which were not recognized as legitimate by the international community, undermined international space law and would inevitably lead to its fragmentation. Therefore every effort should be made to address those issues solely within the framework of the Committee, its subcommittees and the Working Group.

25. The view was expressed that as a result of increased interest in the exploitation and use of space resources, which was increasingly of a commercial character, in addition to its scientific character, there was a need to establish a binding normative framework that enjoyed international legitimacy and legality, was based on the guiding principles governing the space activities of States, in particular the peaceful use of outer space and access to outer space on an equal, non-discriminatory and equitable basis, and was not be subject to national regulations or regulations created in independent forums that had arisen owing to legal gaps and a lack of clarity and certainty surrounding the current legal instruments relating to space resource activities.

26. The view was expressed that space resources were an integral component of outer space and were hence subject to the provisions of the Outer Space Treaty and other instruments of international space law, and that the concept of space resources also included radio frequencies, orbits and solar energy, among other things. The delegation expressing that view was also of the view that the conceptualization of space resources and space resource activities that fell within the mandate and scope of the Working Group would be a first step towards the development and harmonization of mutually acceptable approaches to the international regulation of such activities.

27. The view was expressed that it was advisable to consider first those space resources that were within reach of human capabilities, in particular in situ resource utilization, and that although orbits, radio frequencies and solar energy were important for space exploration, they did not constitute part of the Working Group's subject of consideration with respect to space resources and they were covered by discussions in other forums, including ITU.

28. The view was expressed that space resources, including water, oxygen, propellant and materials for building habitats, were essential for space exploration missions and held potential for future missions and for supporting a sustained human presence in outer space. The delegation expressing that view was also of the view that any legal framework for space resource activities should not get ahead of the current state of technical progress, and that it was imperative that such a framework should retain a degree of flexibility so that it did not stifle innovation and discovery in the exploration, exploitation and utilization of space resources while also ensuring safety, sustainability and adherence to the existing global space governance frameworks, in particular, the Outer Space Treaty.

29. Some delegations expressed the view that States intending to undertake space resource activities should engage in the systematic and regular sharing of information on the scope, nature and location of their space resource activities in order to ensure that those activities had legitimate international recognition and remained in accordance with the Outer Space Treaty and broadly compliant with States' obligations under international law. That course of action would improve transparency and strengthen confidence that those activities were for peaceful purposes.

30. The view was expressed that transparency should be a key principle of any framework on the exploration, exploitation and utilization of space resources, and that it was important that any such framework should take into consideration the impact of space resource activities on other developing areas of international discussion, such as lunar sustainability, lunar heritage and planetary protection.