



Permanent Mission of the Federative Republic of Brazil

65th session of the Committee on the Peaceful Uses of Outer Space

Item 8: *Report of the Legal Subcommittee (LSC) on its sixty-first session*

[*Check against delivery*]

Mr. chairperson,

I would like to thank Ms. Majaja, from South Africa, for the preparation and planning made for the sixty-first session of the Legal Subcommittee, under the exceptional circumstances posed by the coronavirus pandemic.

Through the work of the subcommittee, we have shown that resources beyond Earth can be especially valuable in several ways. They have the potential to make space the next destination in the quest for further exploration and economic expansion, with combined assets that could approach trillion dollars and closely influence the trends of energy and commodity markets. In the short term, minerals, metals, water, atmospheric gases, and volatile elements could be transformed into useful materials at the site where they are found, to extend mission duration and to reduce the costly dependence on materials sent from Earth. In the long run, they might also be transferred to Earth, if economically feasible and environmentally acceptable.

Responding to the desire expressed by a number of delegations, COPUOS has established a dedicated working group on space resources. The initiative builds on the long-standing tradition of COPUOS as a hub for debate on space capabilities. With expertise emanating from all countries and different stakeholders, we rest assured it will offer participants unmatched synergies and connects the results of space policy research with the development of rules and principles. The work plan, submitted by the able chairmanship of Ambassador Misztal and the vice-chairmanship of Professor Freeland, is also appropriate and deserves our full support.

Thinking prospectively about what we aim to achieve, future concrete commitments might include the authoritative interpretation of existing space law. For instance, it is unclear what

member states understand to be the obligation to conduct space activities ‘with due regard to the corresponding interests of all other States Parties to the Treaty’. Coalescing around a few approaches on what is and what is not ‘due regard’ in space resources exploration can help ensure that space-derived resources remain available for all.

The lack of clarity is also relevant in the interpretation of the principles of ‘non-appropriation’ and ‘free exploration and use’. In preliminary debates, some defended the suitability of developing a special regime to integrate these apparently opposing concepts. Others offered a variety of predictions and prescriptions what a legal frame should contain, particularly in terms of ownership. A few drew a parallel with the seabed authority, so as to run any activities through an international body with properly vested powers. And many reasserted that the outer space should not be subject to national appropriation, private ownership or commercial transaction.

Besides, since only a few members will possess the technical means to carry out these activities, the working group should also be mindful of preventing the accumulation of assets in the hands of a few stakeholders. The group needs not reinvent the wheel in this endeavor. The collection of principles based on the 1967 Outer Space Treaty outlines socially responsible behaviors that support peaceful, inclusive and sustainable space activities, while promoting international participation in a way attentive to the special needs of developing countries.

The Artemis Accords also serve as a starting point, with some principles readily adoptable, including those on transparency. We acknowledge that the working group will have to pare back some Artemis proposals to reconcile them with the aspirations of a broader membership. Yet our willingness to be flexible, open-minded and pragmatic will be essential in developing a blueprint that fosters a dynamic and innovative space resource ecosystem.

Thank you.