

Delegation of Italy

Statement on Item 10

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

Madam Chair, Distinguished Delegates

The Italian delegation welcomes the Working Group on potential legal models for activities in the exploration, exploitation and utilization of space resources and wishes its most sincere congratulations to the Chair and Vice-Chair for their engagement in leading our efforts.

The relevant topics for discussion are many, but we want to focus today on the issue of information-sharing for activities in the exploration, exploitation and utilization of space resources, which we consider as a key element for the sustainability of outer space activities. In this regard, we support the discussion on and identification of dedicated tools and practices for enhanced information-sharing within the work of our Working Group, as envisaged in the CRP 30 submitted by Luxembourg, Germany, and others. We also commend Australia, Austria and Netherlands for the proposal contained in CRP 6, and all the other countries that have submitted written contributions for this session.

Madame Chair,

After more than five decades from the conclusion of the Outer Space Treaty, we can affirm that current international space law recognizes and supports, through its basic principles, the open access to information on space activities, as well as the accessibility to and availability of space science data, although with some limitations. The reason for a wide unrestricted distribution of information and data is that ultimately the science output is the main criterion of a successful mission and, not least, a justification for the investment made.

At the same time, the availability of information on space activities can be considered as implicit in the principles set forth by the OST. Article I provides that the exploration and use of outer space shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development. One of the most important corollaries of the common benefit clause is the recognition of a fair and equitable access to information gathered and knowledge acquired through the carrying out of space activities for all nations.

In its turn, Art. XI of the OST refers to the results of scientific missions and to information as the outcome of such missions. This provision is relevant in our case because.

- it aims at promoting international cooperation in the peaceful exploration and use of outer space.
- it commits States parties conducting activities in outer space, including the Moon and celestial bodies, to inform the Secretary General of the UN as well as the public and the international scientific community of the nature, conduct, locations and results of such activities, to the greatest extent feasible and practicable,
- it provides that, in receiving such information the Secretary General should be prepared to disseminate it immediately and effectively.

This language means that a legal commitment is at stake, even if it is not absolute, but can be subject to limitations of various kind.

Also Art. 5 of the Moon Agreement deals with information sharing with regard to lunar activities. It repeats that States parties shall inform on the time, purposes, locations, orbital parameters, and duration in respect of each mission to the Moon as soon as possible after launching. Information on the results of each mission, including scientific results, shall be furnished upon completion of the mission.

Until now, Art. XI of the OST has been used for information regarding re-entry of space objects and additional information on registration of space objects. For our mandate and purposes, we should build on these legal

foundations and foresee an enhanced system for information-sharing on space resources activities. Institutional actors, NGOs and Academia are providing useful proposals and inputs in this regard. The collection and systematization of all documents and instruments, both legally and non-legally binding, relating to this topic should be carried out for supporting the identification of the main elements of an international legal framework for space resources activities.

Madam Chair,

Among these instruments we consider the Artemis Accords. As a Signatory of them, in October 2020, Italy has accepted the relevant principles on release of scientific data and information contained in Sections 4 and 8. The Signatories have committed:

firstly, to transparency in the broad dissemination regarding their national space policies and space exploration plans.

secondly, to the open sharing of scientific data. They plan to make the scientific results obtained from cooperative activities under the Accords available to the public and the international scientific community, as appropriate, in a timely manner, in clear implementation of Art. XI of the OST.

Madam Chair

My delegation believes that there is a need for an enhanced information-sharing on space resources recovery and utilization in accordance with our mandate, purposes and work plan, and also and the identification of some general principles relating to the sharing of information on the results of lunar activities without restriction for the public and the scientific community, and the international community at large, to maximize the scientific return of such missions; and their availability through appropriate and accessible systems and archives.

Thank you Madam Chair

