

*Committee on the Peaceful Uses of Outer Space*

Legal Subcommittee 62nd Session



Japan Item 10 – “General exchange of views on potential legal models for activities in exploration, exploitation and utilization of space resources”

Madam Chair, Distinguished Delegates,

Japan recognizes the common interest of all humankind in progressing the exploration and use of outer space for peaceful purposes. We believe that the exploration and utilization of space resources has the great potential to benefit humanity significantly, and to ensure sustainable development on Earth.

Japan participates in international space exploration activities for various purposes, including: to expand human frontiers, to gain new knowledge that can benefit humanity and to promote international cooperation.

In the field of lunar exploration, Japan is participating in the Lunar “Gateway” as part of the Artemis Program by leveraging the knowledge and technology acquired from the ISS program and space science missions. In Japan’s fiscal year 2023, JAXA plans to launch the Smart Lander for Investigating Moon (SLIM), which was designed to demonstrate pinpoint landing capability on the lunar surface. JAXA is also developing the Lunar Polar Exploration mission (LUPEX) in collaboration with the Indian Space Research Organization (ISRO), which aims to investigate the presence of water and the possibilities for resource utilization in the lunar polar region.

Beyond the moon, Japan is developing the Martian Moons eXploration, (MMX) mission, which is scheduled to be launched in Japan’s fiscal year 2024. Through this mission, JAXA plans to explore the two Martian moons and collect a sample from the moon known as Phobos to bring back to Earth. Japan’s private sector is also engaging in activities on the lunar surface.

All of these activities take place under the authorization and continuing supervision by the Government of Japan in accordance with Article 6 of the Outer Space Treaty. For its implementation, we have passed a domestic law that I will introduce later.

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In October 2020, Japan signed the Artemis Accords as a political commitment to establish a set of principles for the exploration and use of outer space by civil space agencies. The Artemis Accords acknowledge that the utilization of space resources can benefit humankind by providing critical support for safe and sustainable operations, and ensure that they are executed in a manner that complies with the Outer Space Treaty. Furthermore, the Artemis Accords also acknowledge that, consistent with Article IX of the Outer Space Treaty, the Signatories commit to notifying each other of their activities and to coordinate with any relevant actors to avoid harmful interference and ensure the safety of future space exploration activities.

Therefore, when developing a UN framework for such activities, it would be advantageous to refer to several important concepts of the Artemis Accords to secure the sustainability of future space exploration without discouraging innovation by various actors including industry. In doing so, the framework would ensure that all activities are carried out in line with existing international norms.

In December 2021, the “*Act on the Promotion of Business Activities for the Exploration and Development of Space Resources*”, commonly known as the “*Space Resources Act*”, came into force. It defines the obligations of operators to apply for licenses to conduct exploration and development of space resources as well as the acquisition of ownership of space resources. The Act also stipulates that its enforcement does not hinder the good faith implementation of the treaties and other international agreements that Japan has concluded, and does not unduly harm the interests of other States in exercising their freedom in the exploration and use of outer space. Japan issued its first license to a private entity in November 2022 and publicized its business activity plan, including its purpose, project duration, place, methods and content, on the website of the Cabinet Office of Japan.

Based on this Act, Japan is keen to contribute to establishing internationally harmonized systems on the exploration and development of space resources in collaboration with other countries and international organizations.

In this context, Japan appreciates the efforts made by this Working Group, its Chair, Mr. Andrzej Misztal, and its Vice Chair, Mr. Steven Freeland, to reach

consensus on its terms of reference, methods of work and workplan, enabling us to begin the important and substantial work ahead of us. Japan is committed to contributing to this Working Group and is looking forward to fruitful discussions in the upcoming meetings.

Thank you for your kind attention.