

Open Lunar Foundation' Statement under Agenda Item 10
“General exchange of views on potential legal models for activities in
the exploration, exploitation and utilization of space resources.”
COPUOS Legal Subcommittee, March 21st, 2023,
Presented by Dr. Antonino Salmeri

Thank you, Honourable Chair.

The recovery, exchange and use of natural resources have always been foundational to the development and maintenance of any human society. Yet history also shows that uncoordinated access can grow to the detriment of people, places and intentions, creating conflict instead of prosperity. In response to the invitation circulated by the Chair and Vice-Chair of the Working Group on the Legal Aspects of Space Resource Activities, the Open Lunar Foundation submitted a set of inputs for consideration by the WG.

Although specific use cases for space resources have yet to crystallize, in 2021 together with the Space Generation Advisory Council we gathered a group of 15 researchers to identify different types of space resource systems available on the Moon. As a result of that study we identified over 20 lunar resource systems, including Permanently Shadowed Regions, Radio-Quiet Zone, Peaks of Eternal Light, Lunar Lava Tubes, and Lunar Regolith. The details of this work can be found in a Report titled “Res Luna”, which is available on our website. With as many different resource systems existing on the Moon, the development of appropriate tools to identify their level of scarcity will play a fundamental role in developing appropriate management strategies. Therefore, we recommend that the Working Group develops and

regularly updates an evolving list of space resources and regions considered as scarce.

Distinguished Delegates, on the Moon even more than on Earth, one size hardly fits all. The variety of space resource systems, with special emphasis on their different levels of scarcity, suggests that a single governance regime or organization is unlikely to coherently or efficiently address all of them. As such, we recommend considering frameworks that allow for diversity and subsidiarity. One such potential framework is polycentricity. In a polycentric governance system, different space resources can be managed locally and individually while conforming to universal norms and principles such as transparency, sustainability, peace and cooperation. For example, extracting resources from a permanently shadowed crater in the lunar south pole may come with certain obligations for sharing or coordination that do not necessarily apply to a research outpost located in an equatorial region.

Distinguished Delegates, to unravel the complex web of factors impacting space resource and lunar activities, we promote the creation of dedicated entities that can foster safe and sustainable lunar development. In 2021, we supported the creation of the Breaking Ground Trust, an independent legal entity designed to set intentional positive precedents for lunar resource management. Through the purchase of regolith collected by lander missions, the Breaking Ground Trust aims to prototype concrete solutions that can be replicated. The Trust is now negotiating regolith purchases with commercial operators that could set positive precedents beyond resource management.

This year, we are supporting the creation of a dedicated, independent Lunar Policy Platform (LPP) facilitating the cooperative development of lunar policies and standards of behavior. This Platform will have an inclusive, multi-layer structure and operate through asynchronous deliberative processes to produce Priority Reports, Standards of Behavior and Coordination Briefings. As relevant and appropriate, we hope that these outputs could also provide community-driven inputs for consideration by the Working Group on Space Resources. At present, the LPP Director is consulting relevant stakeholders to gather feedback and collect interest to participate in a Pilot that can test the concrete functioning of the LPP via the production of a Priorities Report. All Countries are warmly invited to participate in the LPP Pilot, and we encourage interested Delegates to approach us on the margin of these sessions.

To conclude, we admire the excellent work conducted so far by the Chair and Vice-Chair of the Working Group on Space Resources. We hope our inputs could be beneficial to their important tasks, and we stand ready to provide our support as relevant and appropriate.

Thank you very much for your kind attention.