

Working Paper submitted by Belgium, Finland, Germany and Luxembourg
on
the Endorsement of the Work Plan of the Working Group on space resources
and
proposals for a dedicated International Space Resources Conference under the auspices of the
United Nations

I. Introduction

At its 60th session, the Legal Subcommittee decided, on the basis of the reports provided by the Moderator and Vice-Moderator of the scheduled informal consultations on the progress made in those consultations, to establish, under a five year Work Plan, a Working Group under the agenda item “General exchange of views on potential legal models for activities in exploration, exploitation and utilization of space resources”, with Mr. Misztal as Chair and Mr. Freeland as Vice-Chair of the Working Group.¹

Noting with great appreciation the establishment of the Working Group and considering the lively debate at the 60th session of the Legal Subcommittee in 2021 as well as the scheduling of informal consultations on the pressing issue of exploration, exploitation and utilization of space resources, including with the request to provide written contributions prior to the Subcommittee’s 61st session,² the States members presenting this proposal, convey their endorsement of the Work Plan, as it has been submitted by the Chair and the Vice-Chair³. Concurrently, we submit preliminary input on elements of the first dedicated International Space Resources Conference under the auspices of the United Nations.

The States members submitting this Working Paper note the efforts made through the series of working papers submitted on the issue of space resources that have been instrumental in advancing the debate on the establishment of a Working Group on Space Resources.⁴

The aim of the present Working Paper is to facilitate consensus for a Legal Subcommittee decision to be taken at its 61st session on the results-oriented Work Plan of the Working Group as well as on first proposals for a dedicated Space Resources Conference under the auspices of the United Nations

¹ A/AC.105/1243.

² A/AC.105/1243 para. 257 (“The Subcommittee requested the newly elected Chair and Vice-Chair of the Working Group to continue consultations, in the intersessional period, on the mandate, terms of reference and method of work of the Working Group, [...]”).

³ Submitted by the Chair and the Vice-Chair on 22 March 2022 in preparation for the 61st Session of the Legal Subcommittee, available online at: https://www.unoosa.org/documents/pdf/copuos/lsc/space-resources/Amended_5-Year_Plan_of_Work_Proposal_22_March_2022_MN_AM_SF_r.2.pdf

⁴ Notably the joint proposal by Finland, Germany, Austria, Belgium, Czech Republic, Greece, Poland, Portugal, Romania, Slovakia and Spain A/AC.105/C.2/2021/CRP.22: facilitating the establishment of the Working Group; see also: A/AC.105/C.2/L.311; A/AC.105/C.2/2019/CRP.22; A/AC.105/C.2/2019/CRP.26; A/AC.105/2019/CRP.17; A/AC.105/C.2/L.315.

(i.e. in the line of the United Nations Space Law and Policy Conferences or the Global Space Forum), as foreseen in the Work Plan proposal by the Chair and the Vice-Chair.

II. Rationale for endorsing the Work Plan in the latest version submitted by the Chair and the Vice-Chair

The Working Group on Space Resources agreed on its mandate according to which delegations shall bring forward their views on the legal framework for space resources activities and foster a common understanding of the relevant principles. The set of initial principles and if appropriate practical measures shall ensure that space resource activities are carried out in a safe, sustainable and peaceful manner, for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and in accordance with international law⁵. Exchange of views and needs on an international scale are needed to provide the necessary international framework for space resources related activities in support of long-term exploration missions.

Recognizing the increased interest in activities on celestial bodies in general, and activities involving space resources in particular, as part of long-term space exploration missions, and taking into account various initiatives to develop normative instruments applicable to space resources activities,⁶ as well as the need for legal certainty and multilateral international dialogue in this regard, the States members presenting this proposal consider it of utmost importance to collaborate on a multilateral level towards an international framework recognizing both collective interests and individual rights in the exploration, utilization and exploitation of space resources. The State members submitting this proposal are confident that the Work Plan by the Chair and the Vice-Chair submitted for the intersessional meeting on 22 March 2022 provides an excellent basis for the Working Group to fulfil its mandate in an efficient and timely manner and therefore are wishing to express their endorsement. The State members submitting this proposal generally welcome the idea of a questionnaire as a tool to collect relevant information in a structured manner and are willing to discuss and work further with other delegations in this regard. In addition, we remain open to a potential extension of the Work Plan for an additional year.

III. Proposed format of a dedicated Space Resources Conference

a. Including the views of interested stakeholders

As the objective of a dedicated International Conference on Space Resources under the auspices of the United Nations is to provide a platform for both economic, technical and scientific perspectives and, above all, to make the interests of the various actors, including among different forms of industrial and/or scientific use known, the International Conference on Space Resources shall be open and inclusive. It shall call for the involvement of all relevant stakeholders bringing together Governments,

⁵ Mandate of the Working Group, para. 8 b.), as adopted by A/76/20, Annex III of 13 September 2021. International law, in particular refers to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and other applicable United Nations treaties, and other relevant instruments such as principles, resolutions and guidelines adopted within the framework of COPUOS and the United Nations.

⁶ For the purposes of this Working Paper, “space resource activities” shall refer to the exploration, exploitation and/or utilization of extractable and/or recoverable abiotic natural resources on celestial bodies.

agencies, the United Nations system, intergovernmental organizations, other interested international bodies, non-governmental organizations, civil and cultural society organizations, academic institutions, the scientific community, the private sector, philanthropic organizations and other actors, willing to share their achievements and future plans as well as chances and challenges to the intended resource activities. In view of the need to discuss also environmental aspects of space resource activities, it is of utmost importance to invite also actors with expertise in the field of environment and sustainability. With due regard to the pandemic situation and in order to achieve the broadest possible involvement in the intended multilateral dialogue in the most efficient way, the Conference could take place in a hybrid format.

Reference is made to the adopted terms of reference of the Working Group, which provide that it may avail itself of work on the issue of activities in the exploration, exploitation and utilization of space resources, including but not limited to study reports, academic research and papers submitted by any means as may be determined by the Working Group, which may include through one or more dedicated International Conferences on Space Resources convened under the auspices of the United Nations, and open to Governments, invited academic and other stakeholders, subject to the availability of budgetary resources.⁷ Therefore, States members and permanent observers will continue to be invited to collect and include these views, as appropriate, in their contributions to the work of the Working Group on Space Resources and through the involvement in the dedicated International Conference on Space Resources. Alternatively, interested stakeholders, not being State members of the Committee could also submit written contributions as set forth in the terms of reference of the Working Group.

b. Proposed topics to be addressed during the International Conference on Space Resources

Considering the great potential for the exchange of views during a dedicated International Conference on Space Resources, we recommend to outline and cluster the topics well in advance. This will allow the Working Group to make the best use of this opportunity to gather common and as well as potentially diverging views to support its substantive work in the coming years and facilitate consensus.

The following topics are considered as pressing and thus, are recommended to be addressed:

- possible designs of an international lunar governance regime / space resources regime;
- environmental aspects, sustainability of lunar resources activities and designation of protected areas, safety of operations, transparency measures and exchange of mission related information;
- requirements for the authorization of space resources activities;
- assistance to developing countries;
- data sharing and access to scientific results; and
- due regard and conflict prevention, including a potential framework for dispute resolution.

⁷ Terms of Reference of the Working Group, para. 9 f.), as adopted by A/76/20, Annex III of 13 September 2021.

IV. Expected results of the dedicated Conference on Space Resources

A dedicated open and inclusive Conference on Space Resources, is expected to lead to the following results:

- a) strengthen the important multilateral dialogue on the pressing issue of space resource activities, particular with a view to the aforementioned aspects (see III. B above);
- b) collect relevant information as contributions to the Working Group meetings in the subsequent Legal Subcommittee sessions;
- c) provide a better understanding of the needs of the scientific community, academia, governments, and private companies, which shall be equally taken into account; and
- d) foster a common understanding of the framework conditions for space resource activities.

These results outlined above, will contribute to the further work of the Working Group on recommended principles for space resources activities on celestial bodies foreseen in the Work Plan to begin in 2023, for possible adoption by the United Nations General Assembly in a dedicated resolution and a report on the legal aspects of space resources activities. This would include an assessment of the expected benefits and means of the further development of an international framework for space resources activities as well as recommendations for further work at the Legal Subcommittee on this topic.