

28 March 2022

English only

---

**Committee on the Peaceful  
Uses of Outer Space****Legal Subcommittee****Sixty-first session**

Vienna, 28 March–8 April 2022

Item 15 of the provisional agenda\*\*

**General exchange of views on potential legal  
models for activities in the exploration,  
exploitation and utilization of space resources****Questionnaire related to the discussion of item 15 on  
potential legal models for the exploration, exploitation, and  
utilization of space resources****Working Paper submitted by Greece****I. Introduction and Background**

1. At its 60th Session in 2021, the Legal Subcommittee of the UN COPUOS, following a series of working papers that have been submitted to the LSC since 2019 and advanced the relevant debate, decided, on the basis of the reports provided by the Moderator and Vice-Moderator of the scheduled informal consultations and on the progress made in those consultations, to establish, under a five-year workplan, a working group under the agenda item on the 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.<sup>1</sup>

2. In order to facilitate the exchange of views among Member States on the subject matter in the context of the working group, Greece submits to its Chair and Vice-Chair a questionnaire for States members of the Committee, considering that this may broaden the relevant discussion and contribute positively to the creation of constructive convergences within the working group. The proposed questionnaire might equally be a component of the co-Chairs' five year Work Plan.

---

\* Reissued for technical reasons on 29 March 2022.

\*\* [A/AC.105/C.2/L.319](#).

<sup>1</sup> See Report of the Legal Subcommittee on its sixtieth session, held in Vienna from 31 May to 11 June 2021, [A/AC.105/1243](#), para. 255.



## II. Questionnaire related to the discussion on potential legal models for the exploration, exploitation and utilization of space resources

1. Is the existing international legal framework for outer space activities (mainly the five United Nations Treaties) sufficient to regulate the exploration, exploitation and utilization of space resources (a) or is an *ad hoc* framework required (b)?
  - 1.1 If the answer to (a) is in the affirmative, which existing principles and provisions provide for an adequate regulation of the matter?
  - 1.2 If the answer to (b) is in the affirmative, what should be the main characteristics of an *ad hoc* framework?
  - 1.3 Further, this framework:
    - (a) Should it have the characteristics of a legal regime? If so, should the regime in question be regulated by international law or at the level of domestic law?
    - (b) Should it have the characteristics of an *ex aequo et bono* regime within the meaning of Article 38 para. 2 of the Statute of the International Court of Justice? If this should be the case, on which principles should such a regime be based?
2. Can the issue of exploration, exploitation and utilization of space resources be considered to fall within the scope of Article II of the Outer Space Treaty (non-appropriation principle)? In such a case, and bearing in mind that a framework for the regulation of resources is being explored.
  - 2.1 Should Article II of the Outer Space Treaty be subject to a commonly accepted interpretation?
  - 2.2 Should Article II of the Outer Space Treaty be amended?
  - 2.3 Should there be a review of the concept of celestial bodies, so as to narrow the scope of Article II (e.g. as regards comets and asteroids)?
3. Should the issue of exploration, exploitation and utilization of space resources be considered with a view to an all-inclusive regulation, or should there be different approaches on a case-by-case basis (for example, in relation to orbits around the earth, to *in situ* resource utilization or to space mining for commercial exploitation)?
4. Should a legal framework for the exploration, exploitation and utilization of space resources promote an equitable access to said resources, for all States?
5. Could the Moon Agreement provide a suitable basis for the development of a legal regime for the exploration, exploitation and utilization of space resources?
6. In the context of the debate on a framework for the exploration, exploitation and utilization of space resources, should the interaction of this issue with the long-term sustainability of outer space activities be considered? In general, should the issue be considered in the light of environmental considerations, in accordance with the letter and spirit of Article IX of the Outer Space Treaty?
7. Could the existing international legal regime for mineral exploitation in the Area (international seabed) possibly serve as a model for the exploration, exploitation and utilization of space resources?
8. Are the technical and scientific aspects of the exploration, exploitation and utilization of space resources considered as factors that affect the development of a framework? If the answer is in the affirmative, what is the best way to make the relevant feedback available to the working group on space resources?