



SECURE WORLD FOUNDATION

Statement under Agenda Item 15. *General Exchange of Views on Potential Legal Models for Activities in the Exploration, Exploitation and Utilization of Space Resources*

Sixty-first Session of the Legal Subcommittee of the
United Nations Committee on the Peaceful Uses of Outer Space

March-April 2022

Madam Chair, Distinguished delegates, the Secure World Foundation takes the floor under this agenda item to offer some views and observations that we believe may assist this Subcommittee in its deliberations on the subject of potential legal models for activities in the exploration, exploitation, and utilization of space resources. The Secure World Foundation places great importance on the sustainable utilization and governance of space resources, as evidenced by our in-person participation in this session of the Subcommittee.

We are reminded of the great freedoms enshrined in Article One of the Outer Space Treaty, that the activities of exploration and use of outer space are the province of all humankind, and that there shall be freedom of access to all areas of celestial bodies, and that even the very words “exploration” and “use” of outer space, including the Moon and other celestial bodies appear in the very title of the Treaty. Therefore, it is not surprising that various States Parties to the Outer Space Treaty have drafted national space legislation clarifying their right, and the right of their national space actors, to take possession of, legally own, and use space resources.

Distinguished delegates, it is a fact that any sustainable, long-term human presence in outer space or on a celestial body requires the use of *in situ* space resources. National space agencies are developing strategies for space resources utilization and are issuing contracts to the private sector for various forms of space resource activities in support of national space exploration programs. These national actions seem to fulfill the aspirational language in the very first words of the text of the Outer Space Treaty, which reads “The States Parties to this Treaty, inspired by the great prospects opening up before mankind as a result of man’s entry into outer space..”

We are pleased to observe that this Committee has begun conversations about the governance principles necessary to ensure the safe, sustainable, efficient, and prosperous use of space resources – in a way that respects the rule of law, in a way that will forestall contestation and rivalries, and in a way which respects Article Two of the Outer Space Treaty.

Article Two makes national appropriation of outer space, including the Moon and other celestial bodies, not possible by any means. Whether through a claim of sovereignty, or by use, or occupation, no such behavior could constitute or legitimize a national appropriation – as the Article makes such national appropriation legally impossible under the Treaty. But Article II does not prevent use, including possession and transfer.

Potential legal models to enable activities in the exploration, exploitation, and utilization of space resources must be developed in a manner that provides for the practical implementation of both Article One and Two of the Outer Space Treaty, as well as the other principles of the Treaty. Governance frameworks for space resources utilization must consider and balance a wide range of interests, stakeholders, and activities – including their environmental impact, heritage and cultural considerations, non-interference, and safety of operations. It is through a multi-faceted discussion of governance principles that a framework for the utilization of space resources for the benefit of humankind can be established.

In this regard, Secure World Foundation is pleased to see the establishment of the Subcommittee's Working Group on Space Resources as a step towards considered and deliberate discussion of governance principles for space resources. We look forward to supporting the work of this Working Group.

At this session the Working Group will consider its mandate and begin its workplan. We note the potential role for Observers in this workplan, as the Working Group intends to as, as appropriate, consider inputs provided by observers "in accordance with established practice of the Committee."¹ Secure World Foundation notes that COPUOS has established practice to consider observer input, and that the effective work of the Committee is supported through this established practice.

The Chairs of the Working Group have already noted the interdisciplinary nature of space resources activities, proposing that the Working Group shall collect information "concerning activities in the

¹ Proposal on the mandate, terms of reference, and workplan and methods of work for the working group established under the Legal Subcommittee agenda item entitled "General exchange of views on potential legal models for activities in the exploration, exploitation, and utilization of space resources, [AC.105/2021/CRP.11/Rev.1](#).

exploration, exploitation, and utilization of space resources, including with respect to scientific and technological developments and current practices, taking into account their innovative and evolving nature.”² The potential role of Observer organizations as a conduit to bring interdisciplinary expertise into the work of the Working Group should be evident, as COPUOS observers include entities and NGOs with a diverse range of expertise including scientific, policy, engineering, and space safety.

This expertise complements the natural expertise of the Legal Subcommittee; and in consideration of the interdisciplinary nature of space resources, observer input into the deliberations of the Working Group can contribute to a successful and more holistic outcome. Civil society input can contribute toward achieving an adaptive legal framework that takes into account the innovative and evolving nature of space resources activities.

Such a framework might consider the Building Blocks developed by The Hague International Space Resources Governance Working Group. While the Building Blocks themselves are unlikely to be implemented in their entirety as a single framework, they represent a good starting point for discussion.

According to the Further Revised Co-Chairs’ Five Year Workplan document, this year the Working Group will exchange views on the existing legal framework, as well as the benefits of further development of a framework for such activities. Here again, the benefit of a wide range of views from observers will be critical.

Madam Chair, distinguished delegates, the Secure World Foundation looks forward to continuing to support the Committee’s efforts to achieve and sustain the continued peaceful uses of outer space.

Thank you for your kind attention.



² Attachment to the WG SR Intersessional 2022, [Further Revised Co-Chairs’ Five Year Workplan](#).