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## Committee on the Peaceful

### Uses of Outer Space

#### Legal Subcommittee

Sixty-second session

Vienna, 20–31 March 2023

Item 10 of the provisional agenda\*

#### **General exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources**

## **Summary by the Chair and Vice-Chair of views and contributions received on the mandate and purpose of the Working Group on Legal Aspects of Space Resource Activities**

### **I. Introduction and background**

1. In accordance with the five-year workplan and methods of work of the Working Group on Legal Aspects of Space Resource Activities ([A/AC.105/1260](#), annex II, appendix), the initial tasks to be carried out by the Working Group in 2022 included undertaking initial administrative, information-collection and stocktaking tasks as provided for in the mandate of the Working Group, including through submissions by States members of the Committee on the Peaceful Uses of Outer Space with regard to the mandate and purpose of the Working Group.
2. On 1 July 2022, the Chair and Vice-Chair of the Working Group invited the permanent missions of all member States to provide submissions on the mandate and purpose of the Working Group. They also invited organizations with permanent observer status with the Committee to contribute to the initial information-collection and stocktaking activity, as appropriate.
3. As indicated in the five-year workplan and methods of work of the Working Group, the Chair and Vice-Chair were directed to collate and disseminate all submissions received with reference to that request and to prepare a summary of those submissions in 2023, supported by the Secretariat, for the further consideration of the Working Group.

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\* [A/AC.105/C.2/L.323](#).



## II. Actions being undertaken

4. In order to enable delegations to review the information received by the Chair and Vice-Chair prior to the sixty-second session of the Legal Subcommittee of the Committee, the following actions are currently being undertaken:

(a) All views of member States and contributions by permanent observers are posted on the dedicated web page of the Working Group<sup>1</sup> as soon as is practicable after they are received;

(b) All views of member States and contributions by permanent observers will be made available as conference room papers for circulation during the sixty-second session of the Legal Subcommittee;

(c) A brief summary of the information received to date, prepared by the Chair and Vice-Chair with the assistance of the Secretariat, is set out below. The summary is based on the information received as at 10 January 2023.

## III. Summary of views and contributions

5. As at 10 January 2023, the Chair and Vice-Chair had received views from 12 member States and contributions from nine permanent observers. The submissions were highly informative and, in some cases, quite detailed, and the Chair and Vice-Chair wish to express their gratitude to all delegations and permanent observers that have thus far responded.

6. The Chair and Vice-Chair have therefore prepared the present brief summary of those submissions. The Chair and Vice-Chair wish to point out that the summary relates only to issues of a more general nature regarding the broad parameters of the mandate and purpose of the Working Group. It is not intended to cover the many detailed substantive issues that were raised in the submissions. The summary is therefore not intended to, and does not, cover all of the views of member States and contributions of permanent observers set out in their respective submissions. Accordingly, the Chair and Vice-Chair encourage all member States and permanent observers to read the full submissions, which are posted on the dedicated website of the Working Group.

### A. Views of States members of the Committee

7. Most delegations were of the view that the five United Nations treaties on outer space, along with other relevant governance instruments of international law, constituted an important basis for the study of the existing legal framework for space resource activities.

8. Several delegations were of the view that a consideration of various other documents would yield relevant and useful input to the work of the Working Group. Among the other documents referred to by those delegations were the Artemis Accords on the Principles for Cooperation in the Civil Exploration and Use of the Moon, Mars, Comets, and Asteroids for Peaceful Purposes, the building blocks for the development of an international framework on space resource activities developed by the Hague International Space Resources Governance Working Group, various pieces of national legislation and other expert work by civil society organizations.

9. Several delegations were of the view that a consideration of the work and structure of other international governance regimes would yield relevant and useful input to the work of the Working Group. Among the international governance regimes referred to by those delegations were those of the International Seabed Authority, the

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<sup>1</sup> [www.unoosa.org/oosa/en/ourwork/copuos/lsc/space-resources/index.html](http://www.unoosa.org/oosa/en/ourwork/copuos/lsc/space-resources/index.html).

International Telecommunication Union, the Antarctic Treaty System and the Committee on Space Research.

10. Some delegations were of the view that the Working Group should agree on a specific definition of the term “space resources” for the purposes of its work, while some other delegations were of the view that the concept should be left open depending on present and future proposed space resource activities.

11. Most delegations were of the view that because the governance of orbit and frequency-related activities fell under the mandates of existing international organizations, it was not within the scope of the work of the Working Group.

12. Some delegations were of the view that issues relating to those areas on celestial bodies that had particular significance for astronomical research and investigation fell within the scope of the work of the Working Group.

13. Some delegations were of the view that the work of the Working Group included the exploration, exploitation and utilization of space resources. Specific activities that were referred to by those delegations and were considered to fall within the scope of the work of the Working Group included in situ prospecting and extraction, the taking of samples, scientific research and investigation, logistical activities, surveying, mapping and remote sensing of celestial bodies and the return of space resources to Earth.

14. Most delegations were of the view that benefits would arise from the further development of a framework for space resource activities, including in terms of predictability, safety, sustainability and the peaceful use of outer space, and that any such future framework should be consistent with the existing legal framework for such activities.

15. Most delegations were of the view that a consideration of issues relating to sustainability, the conservation of the space environment and the rehabilitation of areas where space resource activities were undertaken would be relevant to the scope of the work of the Working Group.

16. Some delegations were of the view that the interests of developing countries with emerging space capabilities should be specifically taken into account in the work of the Working Group.

17. Most delegations were of the view that the initial recommended principles to be developed by the Working Group should be finalized in a collaborative manner and should be of a general and practical nature so as to enable implementation by States, while also remaining consistent with the existing legal framework for space resource activities.

18. Most delegations were of the view that a dedicated international conference, currently proposed for 2024, to be convened under the auspices of the United Nations, would contribute to information concerning space resource activities, including with regard to scientific and technological developments and current practices. Those delegations proposed a broad range of topics that might be addressed at such a conference.

19. Some delegations were of the view that actions at the national level, including the establishment of a national database of experts and the convening of national stakeholder workshops, would assist member States in collecting information that might be of relevance to the work of the Working Group.

20. The view was expressed that particular initiatives developed outside of the broad multilateral framework, as well as national legislation, might have an adverse impact on the interests of those States that are not in a position to conduct space resource activities in the foreseeable future.

21. The view was expressed that the Working Group should establish a number of subcommittees to identify and focus on specific issues.

## **B. Contributions of organizations having permanent observer status with the Committee**

22. The organizations having permanent observer status with the Committee on the Peaceful Uses of Outer Space that have submitted contributions represent a diversity of stakeholders, perspectives and interests. Among the many suggestions made in their respective contributions for possible inclusion in the scope of the work of the Working Group are the following (non-exhaustive list):

- (a) The impact that space resource activities will have on cultural heritage;
- (b) The need to reflect the objectives of the Guidelines for the Long-term Sustainability of Outer Space Activities adopted by the Committee in 2019 ([A/74/20](#), para. 163 and annex II);
- (c) The development of different governance principles for space resource activities on the Moon as compared with other celestial bodies;
- (d) The need for the Working Group to clarify certain core concepts in the United Nations treaties on outer space;
- (e) The importance of benefit-sharing principles and coordination mechanisms, to be developed in a coordinated manner by the Working Group, for the implementation of the initial recommended principles;
- (f) The mitigation of harmful impacts and interference;
- (g) The recognition of resource “rights”;
- (h) The dissemination of data;
- (i) The creation of a catalogue of space resources, including scarce resources;
- (j) The development of different resource management schemes depending on the type of resource;
- (k) The development of appropriate preservation measures;
- (l) The limitations of space resource activities on the Moon in terms of time and size.

## **IV. Next steps**

23. In addition to providing the summary set out above, the Chair and Vice-Chair wish to reiterate that, although a proposed deadline of 31 December 2022 was referred to in the circular of 1 July 2022, their invitation remains open to all delegations from member States and organizations having permanent observer status with the Committee to provide their views and contributions, respectively, regarding the mandate and purpose of the Working Group at any time.

24. Further submissions can be sent directly to the Chair, Vice-Chair and Secretariat by email at [andrzej.misztall@outlook.com](mailto:andrzej.misztall@outlook.com), [s.freeland@westernsydney.edu.au](mailto:s.freeland@westernsydney.edu.au) and [unoosa-spacelaw@un.org](mailto:unoosa-spacelaw@un.org), respectively. Delegations and organizations are asked to note the new email address of the Chair.

25. At the sixty-second session of the Legal Subcommittee, the Chair and Vice-Chair will provide an overview of substantive topics and matters to be addressed, taking into account the brief summary set out above, and they will seek the views of the Working Group on appropriate communication and documentation modalities in order to best facilitate its work in accordance with its mandate.

26. The Chair and Vice-Chair remain at the disposal of the Working Group and the Committee and stand ready to assist in any way that the Working Group and the Committee decide is appropriate.