

**Submission by the Delegation of China  
to the Working Group on Legal Aspects of Space Resource Activities  
of the Legal Subcommittee of the Committee  
on the Peaceful Uses of Outer Space**

Upon the invitation of the Working Group on Legal Aspects of Space Resource Activities of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space (hereinafter referred to as “the Working Group”) addressed to States members for input on its mandate and purpose, and with a view to optimizing its work, the Chinese Delegation hereby makes the following submission:

**I. Space Resources within the Mandate of the Working Group**

1. The Chinese Delegation believes that the Working Group in scoping space resources should refer to the major projects of States members on exploring deep space planned for the near future and focus its discussion on physical resources such as water-ice in lunar regolith and lunar rocks. Nevertheless, it is well noted that solar energy, radio frequencies and orbits, and other resources which is not in physical nature, can be treated as space resources under other frameworks.

2. The Working Group will benefit from information shared on planned space resource activities to have well-targeted discussions. China plans to launch the Chang’e-6 lunar probe in the first half of 2024 to collect and bring back sample of lunar regolith from the backside of the Moon, and launch the Chang’e-7 lunar probe around 2026 to land at the South Pole of the Moon and hop over one or two shadowed areas to detect lunar resources, including water-ice. The Chang’e-8 lunar probe is planned to launch around 2028 for experimental verification of the utilization of lunar resources, and in cooperation with international partners China will establish the International Lunar Research Station over the next decade and verify in-situ utilization of lunar resources therein.

**II. The Existing Legal Framework for Space Resource Activities**

3. The Chinese Delegation, fully aware of space resource activities as a new form of human exploration and use of outer space, supports the Working Group to regulate space resource activities by virtue of faithfully interpreting and promoting implementation of current international space law and to contribute to its progressive development.

4. The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (hereinafter referred to as “the Outer Space Treaty”), as the cornerstone of the existing international space law, provides the fundamental principles for all outer space activities including space resource activities. The Chinese Delegation believes that

any discussion of the rules governing space resource activities should be within the framework of international space law with the Outer Space Treaty as its basis. The fundamental principles enshrined therein, including but not limited to peaceful use of outer space, for the benefit and in the interests of all humankind, non-appropriation, international cooperation, due regard and compliance with international law including the UN Charter, shall be applicable to space resource activities.

5. Applying the aforementioned principles in a consistent and universal manner would offer utmost legal certainty and predictability conducive to the growth of space resource activities. The Chinese Delegation believes that the interpretation and application of the Outer Space Treaty and other core UN outer space treaties is in the interests of international community as a whole, and beyond national concerns of States conducting space resource activities. Therefore the Working Group should be guided by the consistent and universal application of international space law in its deliberation on how to apply the Outer Space Treaty and relevant rules to space resource activities, as well as in developing a set of initial recommended principles to promote their implementation.

### **III. Elements for the Development of Initial Recommended Principles**

6. The Working Group is mandated to formulate a set of initial recommended principles for space resource activities. The Chinese Delegation hopes that the Working Group has high ambitions and realistic cautions in fulfilling such mandate, it should set priority on solving urgent practical issues through discussions around ongoing or upcoming national plans for space resource activities.

7. The Chinese Delegation believes that the initial recommended principles should be based on the existing international space law with a focus on its interpretation and application. Considering the limited practice of space resource activities, the Working Group should make efforts to check the practicality of any proposed new rules and formulate them in a measured way.

8. The Chinese Delegation would like to present the following views regarding several pressing issues posed by the present space resource activities as its input to the Working Group:

#### **(a) Reaffirming and Operationalizing the Principle of Non-appropriation**

9. Article II of the Outer Space Treaty provides that outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means. The Chinese Delegation believes that the exploration, exploitation and utilization of space resources shall be in conformity with the principle of non-appropriation, and the Working Group should formulate initial recommended principles to reaffirm the applicability of this fundamental principle, and to operationalize its application to the various contexts of space resource activities.

### **(b) Encouraging Space Resource Activities for Scientific Investigation**

10. According to Article I of the Outer Space Treaty, there shall be freedom of scientific investigation in outer space. In the coming years, many States including China will carry out space resource activities for the purpose of scientific investigation which contribute to space science exploration and space application research. Such space resource activities are in line with the principle of exploration and use of outer space for the benefit and in the interests for all humankind, and their scientific research results and data are also eligible for benefit sharing. Therefore, the Working Group should consider these factors when formulating the initial recommended principles, and mitigate any potential negative impact of those concerning commercial space resource activities on such activities with a scientific investigation purpose.

### **(c) Enhancing the Coordination of Space Resource Activities**

11. Article IX of the Outer Space Treaty provides that, in the exploration and use of outer space, States Parties shall be guided by the principle of cooperation and mutual assistance and shall conduct all their activities in outer space with due regard to the corresponding interests of all other States Parties. Since the future space resource activities probably be conducted in certain specific areas of the Moon, The Chinese Delegation suggests the Working Group to formulate initial recommended principles as tools to implement the principle of cooperation and mutual assistance in space resource activities, which would ensure the safe and orderly conduct of such activities, and promote coordination among relevant States.

### **(d) Sufficient Supervision of Space Resource Activities of Non-governmental Entities**

12. Article VI of the Outer Space Treaty states that States Parties shall bear international responsibility for assuring that national activities by non-governmental entities are carried out in conformity with the Treaty, and the activities of non-governmental entities in outer space shall require authorization and continuing supervision by the appropriate States Parties. The Working Group should look into how to enforce the above-mentioned international responsibility with respect to space resource activities carried out by non-governmental entities. For that purpose the Working Group should formulate initial recommended principles to ensure effective fulfillment of international obligations under the Outer Space Treaty, by defining standards and procedures for State authorization of non-governmental entities to carry out space resource activities, and designing ways and means for continuing supervision of subsequent activities.

### **(e) Protecting Sustainability of Space Resource Activities**

13. The Chinese Delegation recognizes that space resource activities are still in an earlier stage in term of technology and engineering, and upholds that space

resource activities should be conducted with full consideration of the sustainability of resources, and ensure the freedom of exploration and use of outer space for future generations with the aim of intergenerational equity. The Working Group should therefore consider formulating initial recommended principles to prevent depletive exploitation of space resources which fails the requirements of sustainability.