

## Statement – Australia, Item 14

### 60<sup>th</sup> Legal Subcommittee

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

Thank you, Madam Chair.

The Committee on the Peaceful Uses of Outer Space (COPUOS) and the United Nations space treaties have an important role in ensuring the long-term sustainability of outer space, including on the Moon and other celestial bodies and promoting arrangements that encourage safety, participation and innovation.

International law, and norms of behaviour provide for a safe, stable and sustainable outer space environment, and a means to address emerging issues, including in outer space. COPUOS plays an important role in facilitating the development of rules and norms in space; as well as facilitating a consensus-based approach to addressing emerging issues.

Australia is a founding Member of the Committee, and State Party to the five international space treaties, including the *Outer Space Treaty and Agreement Governing the Activities of States on the Moon and Other Celestial Bodies* (Moon Agreement).

In October 2020, Australia became a founding signatory to the Artemis Accords, which establish a practical set of principles to guide space exploration and aim to increase the safety of operations, reduce uncertainty, and promote the sustainable and beneficial use of space.

Australia's position is that the Artemis Accords are consistent with Australia's international legal obligations.

#### **Moon Agreement**

Madam Chair,

Soon after the landing of *Apollo 11* in the Sea of Tranquillity in July 1969, Argentina, as well as the Soviet Union proposed draft treaties concerning the Moon to the Legal Subcommittee in 1970 and 1971 respectively. A consensus was reached on the text of a treaty in 1979, following consideration of key concepts, including the common heritage of mankind, and the equitable sharing of the benefits derived from the resources of the Moon.

Madam Chair,

The Moon Agreement expands upon the principles set out in the Outer Space Treaty. In recognition of the significant role that the Moon will play in the exploration of space, the Moon Agreement sets out specific principles relevant to exploration of the Moon, and envisages the potential establishment of a regime to govern exploitation of the Moon's natural resources.

Following consideration of the new treaty, Australia acceded to the Moon Agreement in 1986.

Australia supports the exploration, exploitation and use of space resources in a manner consistent with international law.

Prior to, and over the course of negotiating the Moon Agreement, and to this present day, minerals have been removed from the Moon and other celestial bodies as part of furthering humanity's scientific investigation of our solar system.

Article 6 the Moon Agreement explicitly permits States Parties to use the Moon's minerals and other substances in carrying out scientific investigations, including in quantities appropriate for the support of their missions.

Additionally, Article 11 declares the Moon and its natural resources the 'common heritage of mankind', which finds its expression in the

provision of the Agreement. We also note that certain obligations under the Moon Agreement have prospective rather than immediate effect. This includes consideration of the potential establishment of an international regime at a time when exploitation of the Moon's natural resources is about to become feasible. The purposes of such a regime, articulated in Article 11(7), include:

1. The orderly and safe development of the natural resources of the Moon;
2. The rational management of those resources;
3. The expansion of opportunities in the use of those resources; and
4. An equitable sharing by all States Parties in the benefits derived from those resources, whereby the interests and needs of the developing countries, as well as the efforts of those countries which have contributed either directly or indirectly to the exploration of the Moon, shall be given special consideration.

We support the further development of norms that could guide the orderly and safe development, as well as rational management of the Moon's natural resources.

### **Artemis Accords**

Madam Chair,

The Artemis Accords establish a practical and non-binding set of principles to enhance the governance of the civil exploration and use of outer space. The Accords provide for the implementation of Australia's obligations under the Outer Space Treaty and other instruments.

The Artemis Accords are consistent with Australia's international obligations.

Section 10 of the Accords notes that the utilisation of space resources can benefit humankind by providing critical support for safe and sustainable operations. Such operations may include, for example, the scientific investigation of the Moon and our solar system as foreseen in Article 6 of the Moon Agreement. Section 10 of the Artemis Accords also affirms that the extraction of space resources does not inherently constitute national appropriation in line with Article II of the *Outer Space Treaty*.

Additionally, Section 11 deals with the deconfliction of space activities, to which we acknowledge and reaffirm our commitment to the *Outer Space Treaty*, including those provisions relating to due regard and harmful interference.

Madam Chair,

We look forward to sharing our experiences with the Committee as well as States Parties of the *Moon Agreement* as we deepen our understanding on the possible models for activities in exploration, exploitation and utilisation of space resources.

### **Work of the Committee – scheduled consultations**

Madam Chair,

Australia is committed to working with Member States to address new challenges and develop initiatives to ensure the long-term sustainability of outer space, and welcomes the opportunity to further contribute to discussions on the exploration, exploitation and utilisation of space resources.

Scheduled consultations on this issue are an opportunity for Australia to share its views and experiences. It is important Member States continue to engage in good faith to progress the work of the Committee on this important issue.

Madam Chair,

We recognise the value in international coordination and cooperation on the topic of space resource exploration, exploitation and utilisation. Australia supports the establishment of a working group under the Legal Subcommittee, which we consider would provide a useful platform to support Member States in continuing discussions on the development of common practices and norms.

## **Conclusion**

Madam Chair,

Cooperation and dialogue are a foundation of COPUOS. As the nature of humankind's space exploration activities evolve, it is important for Member States to consider ways and means for ensuring the long-term sustainability of outer space through COPUOS, including through the UN space treaties.

Australia continues to operate consistent with its international obligations, and looks forward to working with Member States as we collaborate and develop a common understanding.

Thank you.