

**U.S. STATEMENT AGENDA ITEM 14
POTENTIAL LEGAL MODELS FOR ACTIVITIES IN EXPLORATION,
EXPLOITATION AND UTILIZATION OF SPACE RESOURCES**

**STATEMENT BY GABRIEL SWINEY, U.S. REPRESENTATIVE TO THE
LEGAL SUBCOMMITTEE OF THE UN COMMITTEE ON THE
PEACEFUL USES OF OUTER SPACE**

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Thank you, Madame Chair. The United States appreciates the opportunity to present its views on activities in exploration, exploitation, and utilization of space resources. We have found the presentations on this topic so far to be very interesting.

As the United States has said previously, the utilization of space-based resources – either on the Moon, asteroids, or elsewhere – is critical to the long-term viability of space activities. Truly substantial increases in human and robotic presence in the solar system will require utilizing resources already located outside of Earth’s gravity well. At the same time, it is important to remember that humanity is in the earliest days of space resource exploration, exploitation, and utilization. We need to keep this reality in mind as we discuss legal questions surrounding space resources. In an attempt to move this conversation from the theoretical to the practical, in 2020 NASA offered to buy small amounts of Lunar regolith collected by private companies as part of their operations on the Moon. This is not the first time ownership over space resources has been transferred; NASA has given away many lunar samples before, including to many Member States of UNCOPUOS. Likewise, Lunar samples collected by the Soviet Union have been sold on the private market. Nevertheless, this recent offer by NASA is an opportunity to begin working through practical issues in the extraction of space resources.

As you know, the long-standing view of the United States is that the utilization of space-based resources – including commercial utilization – is consistent with the four main United Nations space treaties. The Outer Space

Treaty shapes the manner in which space resource utilization activities may be carried out, but it does not broadly preclude such activities.

Of course, the Outer Space Treaty does not provide a comprehensive international regime for space resource utilization activities. At this stage, the United States sees neither a need nor a practical basis to create such a regime. We do, however, see a need to ensure that all nations engaged in space resource activities share a common set of fundamental beliefs: in the rule of law, in transparency, and in peaceful purposes. NASA's Artemis Accords underscore these critical principles, and form a starting point for the U.S. Government's future work on space resources, which we hope to share with other likeminded allies and partners.

And there is more work to be done. As I mentioned earlier, we are in the very early days, and initial technology demonstration missions will be required long before widespread space resource utilization activities occur. The four core space treaties provide a basic legal framework within which interested States can ensure their interests are protected for such initial missions. At the same time, we recognize the strong international interest in discussing these issues in greater detail and we look forward to participating in those discussions. To quote from Section 10(3) of the Artemis Accords, "The Signatories intend to use their experience under the Accords to contribute to multilateral efforts to further develop international practices and rules applicable to the extraction and utilization of space resources, including through ongoing efforts at the COPUOS." We are here today to begin that conversation.

In particular, we look forward to discussions during this session regarding the possible formation of a Working Group on space resources. The United States believes that the time is right for such a group, so long as we can reach consensus on a pragmatic work plan that reflects the early stage of these efforts.

Thank you, Madame Chair.