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**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
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Vienna, 15–26 April 2024
Item 8 of the provisional agenda*
Future role and method of work of the Committee**

National Space Society conference room paper

The present conference room paper was prepared by the Secretariat on the basis of information received from the National Space Society. The information was reproduced in the form it was received.

* [A/AC.105/C.2/L.326](#).



National Space Society (NSS) Conference Room Paper (CRP)

Submitted by the NSS International Committee for the COPUOS Sixty Third Session of the Legal Subcommittee (LSC) in 2024

In compliance with the international Outer Space Treaty (OST) and with Art. 17 of the 1948 Universal Declaration of Human Rights, whereby the United Nations General Assembly declared that “Everyone has the right to own property alone as well as in association with others,” the National Space Society recommends that the following steps, taken in consultation and coordination with all space stakeholders, public and private, including civil society, be taken to establish a bare minimum set of property rights needed for outer space development and human settlement. The goal is to establish a legal framework to mine the Moon, Mars, asteroids, and other celestial bodies, and to use the extracted materials to build well-being and value for humans in situ at the mining or settlement sites, on Earth, and elsewhere in outer space.

To truly accomplish this enabling environment and value creation, we believe there are six additional levels of ownership that must be permitted, supported, and clearly established:

- (1) **Space to Earth:** Further establish the right to take extracted material off the celestial body, bring it back to Earth, own it, and sell it (e.g. Moon to Earth) (accomplished since 1972).
- (2) **Space to Space:** Establish the right to extract material on a celestial body and sell it to another party on that celestial body (e.g. Moon to Moon).
- (3) **In Situ Resource Utilization:** Establish the right to process extracted materials (e.g. rocks, regolith, and even dust) on a celestial body to produce oxygen, water, propellant, building materials, and other useful substances and use such processed materials on the celestial body as part of an installation owned by either a Committee on the Peaceful Uses of Outer Space (COPUOS) State Party or a private entity authorized and supervised by a State Party, per OST. Art. VI (e.g. South Pole Lunar research Center).
- (4) **Storage Depots:** Establish the right to extract and/or process materials from a celestial body and transfer to another location on that or another celestial body or in an orbit around a celestial body (e.g. storage depots) for ownership and future sale and/or utilization (e.g. a fuel depot in orbit).
- (5) **In Space Assembly and Manufacturing:** Establish the right to manufacture satellites, space stations, spacecraft, and other space facilities and infrastructure in space with materials extracted and/or processed from a celestial body and recognize that the manufactured items are the property of those who manufactured them using either a mix of terrestrial and non-terrestrial materials or non-terrestrial materials alone (e.g. a large Space Solar Power facility in geosynchronous orbit).
- (6) **Derived Products:** Establish the right to own and sell to a second party or multiple parties an item manufactured in space out of either a mix of terrestrial and extraterrestrial materials or out of extraterrestrial materials alone (e.g. ZBLAN made partially out of lunar regolith).

The National Space Society also recommends that a cooperative consultative mechanism including both State Parties and Permanent NGO delegations and in line with the Romanian Legal Subcommittee submission (A/AC.105/C.1/2024/CRP.30) be established by COPUOS delegates. Such a consultative mechanism would expand and evolve the existing legal framework to carry out the above actions in an environmentally sensitive, equitable, and inclusive manner. COPUOS non-rocket

launching State Parties would be a crucial component of this consultative mechanism and its deliberations.

The consultative mechanism would Ideally generate an international framework of voluntary (soft law) norms based on best practices that become backed by national regulations in a bottom-up approach, which would eventually, if not objected to, lead to Customary International Law. The advantage of such a bottoms-up approach is that it can adapt to changing space technologies, space activities, and geopolitical circumstances to eventually be codified by treaty, if it is ever advantageous to do so.
