

Poland
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The proposal of the Republic of Poland
on the Preservation of Lunar Heritage as a new area of activity of the ATLAC for peace and sustainable
development of Outer Space

With reference to the United Nations Office for Outer Space Affairs' Circular ref. no. OOSA/2024/48 Poland suggests the issue of the preservation of the Lunar Heritage as one of the priorities of the work plan of the Action Team on Lunar Activities (the ATLAC).

The work plan of the ATLAC should address pressing challenges in the field of international outer space law stemming from the lacuna regarding preservation of outer space heritage and possible fragmentation in this domain as a result of creation of separate, self-contained regimes.

The Moon as a natural satellite of the Earth, due to its location and abundance of natural resources, including water, as a possible base for further exploration and exploitation of celestial bodies, would be used intensively for industrial and commercial purposes in the foreseeable future. Rapid technological development of the space sector, generated by the competition between spacefaring States and stimulated by cooperation between States and private entities might impact the Lunar Heritage. That is why international outer space law cannot remain absent in relation to the outer space heritage.

Neither the Space Treaties (Corpus Iuris Spatialis) adopted in the 1960s and 1970s, nor the international soft space law regulate the protection of the space heritage of the Moon and other celestial bodies. In accordance with Article 4 par. 1 of the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies of 5 December 1979 (the Moon Agreement)¹ the exploration and use of the Moon shall be the province of all mankind, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development and due regard shall be paid to the interests of present and future generations. Pursuant to Article 4 par. 2 of the Moon Agreement States Parties shall be guided by the principle of co-operation and mutual assistance in all their activities concerning the exploration and use of the moon and international co-operation should be as wide as possible (...).

In light of the above, the protection of Lunar Heritage is becoming a pressing issue and the Outer Space Heritage Governance shall be considered as relevant part of the Global Governance of the Outer Space. Preservation of Lunar Heritage for present and future generation should be a global concern associated with recognition of the value of outer space heritage and its vulnerability in the absence of any legal norms and mechanisms for practical cooperation at the UN level. It is advisable to initiate international dialogue about the Outer Space Heritage, to promote and share understanding of intergenerational responsibility

¹ [Moon Agreement](#)

to preserve the Outer Space Heritage and to develop the innovative mechanism of legal, institutional and technical protection of the Lunar Heritage.

A broad international cooperation involving spacefaring and non-spacefaring States, non-state actors, non-governmental organisations, experts and academics involved in outer space activities can play crucial role in the creation of an instrument aiming at preservation of Outer Space Heritage and its value.

The 2016 COPUOS Report of its Fifty Nine Session stipulates that “legal and institutional initiatives [are required] in order to ensure that international space law is a relevant part of global space governance in the twenty-first century”.

Having in mind the fact that the goal of the ATLAC is to set up the International Consultative Mechanism on Sustainable Lunar Activities to facilitate addressing numerous, operational issues facing future missions in the next decades, Poland is convinced that the ATLAC is the most appropriate forum to undertake the first step towards developing the guidance document on new international rules and practices applicable to the preservation of the Lunar Heritage.

Furthermore, we believe that the issue of the preservation of Lunar Heritage and governance of outer space heritage should be addressed by the ATLAC due to the following reasons:

- the ATLAC works under the auspices of the UN Committee on the Peaceful Use of the Outer Space (COPUOS) which according to the Res. No. 1472 (XIV) of 12 December 1959 has been established to “*study the nature of legal problems which may arise from the exploration of outer space*”²;

- according to the mandate, terms of reference and methods of work of the Action Team on Lunar Activities Consultation contained in Annex IV to the Report of the sixty-seventh session of the COPUOS (19-28 June 2024), ref. no. A/79/20), the ATLAC is open to all States Members of COPUOS, may invite organizations with permanent observer status with the Committee, as well as “*recognized technical, policy and legal experts, and any other entity whose support is deemed useful for its work*”³;

- the Conference Room Paper on Proposal on a Consultative Mechanism on Lunar Activities (/AC.105/C.2/2024/CRP.18/Rev.1) indicates that the ATLAC is analysing pressing issues related to the lunar activities, proposing actions or solutions that should be taken in the field of: “*Preservation of sites of significant scientific interest and lunar heritage: The opportunity to share information regarding the nature and location of lunar sites of significant scientific or cultural significance will assist in the identification and preservation of such sites*”⁴.

Therefore, Poland kindly recommends adding to the work plan of the ATLAC the issue of the Lunar Heritage Protection and proposes to conduct discussion divided into the following sections:

I. Development of legal instrument applicable to preserve the Lunar Heritage.

² [RES 1472 \(XIV\)](#)

³ [COPUOS 2024](#)

⁴ [A/AC.105/C.2/2024/CRP.18/Rev.1 - Proposal on a Consultative Mechanism on Lunar Activities: Conference room paper by Romania, co-sponsored by Switzerland](#)

The discussion would focus on the question of what kind of instrument would be the most convenient to establish an international regime for the protection of the Lunar Heritage (hard law versus soft law instrument: guidelines/rules/recommendations);

II. Scope of the notion of the Lunar Heritage.

The discussion could focus on whether the notion of the Lunar Heritage should include only tangible elements or both tangible and intangible elements and what we can understand by the concept of intangible element of the Lunar Heritage.

III. Methods of identification and designation of the Lunar Heritage.

We suggest comparative legal research regarding nomination or selection criteria and analysis on positive or negative obligations towards the objects or sites beyond Earth.

IV. Development of mechanism allowing effective institutional and technical preservation of the Lunar Heritage through the incorporation of new technologies, practical solutions and information sharing.

The discussion would tackle the issue of governance of outer space heritage and the possibility of adopting a cross- sectoral approach with regard to participation in international Lunar Heritage governance (participatory heritage governance).

V. Outer Space Heritage and capacity building instruments – Lunar Heritage as a common good.

We propose a collective reflection on how to promote and share understanding of intergenerational responsibility to preserve the Lunar Heritage..

White Paper no. 19 on Cultural Heritage prepared by the International Law Association (ILA Paris 2023)⁵. underscores the lack of dedicated international law to address new challenges connected with scientific, technological or touristic human activities in the outer space. The White Paper calls for multilateral cooperation to foster the development of new regime for the protection of outer space heritage within the international law. This underlines even more seriously the need for timely identification, qualification and protection of the space heritage by means of new legal instrument as well as the importance of the International Consultative Mechanism on Sustainable Lunar Activities and justifies the necessity of incorporation of the issue of the Lunar Heritage protection to the work plane of the ATLAC.

In conclusion, Poland suggests developing within the ATLAC the guidance document/guidelines that would be incorporated or attached to the final ATLAC report containing recommendations for consideration by the Committee on the Peaceful uses of Outer Space at its seventieth session in 2027. We believe that the above guidance document/guidelines could constitute the basis for further negotiations of new legal instrument related to the Space Heritage Protection on the forum of LSC COPUOS.

⁵[Cultural Heritage - Ila Paris 2023](#), p.51-54