

Agenda Item 14: New Zealand Statement

Chair,

The exploration, exploitation and utilisation of space resources will be a key enabler of the next phase of space exploration, including the possibility of sending humans to Mars. It will deepen scientific understanding, drive innovation and produce economic opportunity across the growing global space sector.

In terms of the existing international law in this area, what is clear is that space resources is not subject to a dedicated treaty regime with bespoke governance arrangements, as is the case for other similar shared resources in areas that are beyond national jurisdiction or otherwise subject to shared governance.

While there is no dedicated treaty regime, the exploration, exploitation and utilization of space resources would be permissible under existing international law, as long as such activity met the various obligations in the Outer Space Treaty and general international law, including state responsibility. Those obligations in the Outer Space Treaty that are highly relevant to this activity include: the prohibition on the national appropriation of outer space by any means; the requirement that the exploration and use of outer space be carried out for the benefit and in the interest of all countries; the requirement that Parties avoid the “harmful contamination” of outer space and/or adverse changes to the earth environment, as well as any “potentially harmful interference” with others space actors’ activities, and the requirement to pay “due regard” to the interests of other Parties.

While the Outer Space Treaty provides these high level rules which would apply to the exploration, exploitation and utilisation of space resources, New Zealand’s view is that they are not sufficient to properly regulate this activity in the long term. This is for two reasons. First, the existing rules do not include any explicit requirements related to the conservation and long-term management of space resources, sustainability and the space environment. Second, there is a lack of clarity over how to effectively operationalise these existing rules in the context of modern space resource activity.

New Zealand’s position is that additional multilateral rules, norms or standards are needed to ensure the long-term sustainability of space resources, to reinforce the peaceful use of outer space, to ensure that the existing international obligations are given effect in a way that ensures transparency and clarity, and to ensure certainty of rules for commercial operators.

New Zealand is committed to collaborating with all stakeholders on these issues to ensure that the space environment will be available, and accessible, for the benefit of all, now and into the future.

We should be clear that we do not see the current state of development of international law as a block to activity occurring. We do consider that space resource utilisation activities can be begun in earnest – in so far as they comply with international law. But we do want to emphasise that existing international law is not sufficient to regulate this activity even in the short term.

New Zealand sees the Artemis Accords, which we signed today, 1 June, as a first step in that regard, confirming that the exploration, exploitation and utilization of space resources must be done consistently with existing international law, and that a multilateral process is required to progress this issue. We hope that Artemis members' experience can be useful to this Committee as we explore potential legal models for the exploration, exploitation and utilisation of space resources.

The exploration, exploitation and utilisation of space resources is a multilateral issue, affecting a range of stakeholders, including states, scientific and commercial actors, and civil society. This range of stakeholders must be involved in further discussions on space resource utilisation. New Zealand sees COPUOS as uniquely well positioned to lead this work. We are very supportive of the establishment of an ad hoc Working Group on Legal Aspects of the Utilisation of Space Resources, and we look forward to contributing to the informal discussions on that issue this week.