

**COMMITTEE ON THE PEACEFUL
USES OF OUTER SPACE
Legal Subcommittee – Sixtieth session
Vienna, 31 May – 11 June 2021**

**Agenda Item 14: General exchange of views on potential legal models for activities
in exploration, exploitation, and utilization of space resources.**

Canada

Madame Chair,

As space agencies around the world work together to promote coordinated efforts in human and robotic space exploration on and around the Moon and Mars, we know that key resources will be needed to meet the objectives of these deep-space exploration missions. These resources, including water, oxygen, propellant, and materials for life support and infrastructure will become increasingly complex, costly, and risky to obtain from Earth, so we know we will need to conduct in-situ space resource utilization.

Canada is committed to ensuring that all space exploration activities, including space resource extraction and utilization is conducted safely, sustainably and in full compliance with international law. As such, we joined with 7 other nations in signing the Artemis Accords in October 2020. The Accords provide us principles to ensure we meet our treaty obligations as we conduct planned missions on the Moon and Lunar Gateway under the Artemis program. They were never designed to replace or supplant the existing space treaties – rather, they are designed to “operationalize” the treaties to ensure safe and sustainable space exploration.

The starting point for discussions within the LSC on space resource utilization is the four core UN treaties on outer space. These treaties govern all outer space activities, including space resource utilization. The Outer Space Treaty contains two equally important legal principles relative to space resource utilization: Outer Space, including the Moon and other celestial bodies, shall be free for exploration and use by all States; and Outer Space, including the Moon and other celestial bodies, is not subject to national appropriation. These two legal principles permit States to explore and use outer space and celestial bodies notwithstanding the inability of any State to claim sovereignty or ownership over orbits, orbital positions or celestial bodies. While outer space is a unique environment, there are terrestrial examples of resource use in areas not subject to national appropriation. These areas, and the activities conducted therein, can serve as useful examples of both best practices and practices to be avoided.

Madame Chair,

As mentioned, the development of technologies to locate and secure space resources can be beneficial to humanity’s exploration and use of outer space. Therefore, space resource

utilization should be encouraged through carefully designed laws and policies that respect peaceful exploration and use of outer space, international cooperation, non-interference and the non-appropriation of celestial bodies.

COPUOS and its subcommittees should continue to study the field of space resource utilization, from a scientific and technical as well as legal perspective, in order to promote cooperation amongst States and non-governmental entities engaged in these activities. It is important that norms of behaviour or principles are developed in such a way as to be grounded in technical feasibility.

Canada has been very encouraged by the interest in moving the considerations for a framework for safe and sustainable space resource utilization forward within COPUOS. We welcome the report of the Moon Village Association on the Global Expert Group on Sustainable Lunar Activities or GEGSLA and are supportive of their efforts to include Sustainable Lunar Activities as a new agenda item under COPUOS. This effort will encourage consideration of this important topic during both subcommittees of COPUOS.

Canada also welcomes the informal paper by Germany and Finland to create a working group on space resource utilization to continue the Legal Subcommittee's study of this issue. However, the Canadian delegation has some concerns with the proposal as outlined:

- First, we feel the scope is too ambitious for the 5-year mandate. Recent experience from both the working groups on national space legislation and on the long-term sustainability of outer space activities demonstrate that it would be difficult to achieve both objectives, a set of principles on space resource utilization and an assessment of the benefits of an international framework along with a recommendation for future work, within 5 years. We feel it would be more manageable to focus on achieving consensus on a set of principles within its 5-year term.
- We are also concerned that the development of a legal framework, without an understanding of the technical aspects of these activities would be difficult and could lead to inadvertent consequences. Although we recognize the inclusion of briefings to the STSC in the paper, Canada would prefer a cross-cutting (both LSC and STSC) agenda item under COPUOS so that all aspects of this new space activity can be properly considered.
- Finally, we are concerned that by focusing only on space resources we will not account for the larger context in which these activities will take place, namely potential human settlements, scientific missions, rover operations, and other such missions. Studying resource use divorced from the context in which it will arise could inadvertently lead to undesirable consequences for these broader activities.

Canada looks forward to engaging with delegations on the way forward to addressing space resource utilization to ensure safe and sustainable space exploration for the benefit and in the interest of all humankind.