



SECURE WORLD FOUNDATION

Statement under Agenda Item 10. General exchange of views on potential legal models for activities in the exploration, exploitation and utilisation of space resources

Sixty-Second Session of the Legal Subcommittee of the
United Nations Committee on the Peaceful Uses of Outer Space

March 2023

Madam Chair, distinguished delegates, on behalf of the Secure World Foundation, I appreciate this opportunity to deliver a statement on this important agenda item, and on the important work being conducted under the related Working Group on possible legal models for activities in the exploration, exploitation and utilization of space resources.

The Secure World Foundation would like to emphasize that, rather than an isolated activity, space resource utilization in the near and medium term will almost certainly occur within a broader context of lunar exploration and development.

Therefore, practical considerations of space resource governance should be modest and specific in their approach, and focused on lunar resource activities – rather than activity on asteroids or other celestial bodies. Any framework developed in the lunar context can likely be adapted for future activity on other bodies.

While the mandate of this Working Group is focused in scope, its results and outcomes will influence a broader discussion of lunar governance and coordination. Space resource governance discussions should consider frameworks for applying the due regard principle of Article IX of the Outer Space Treaty. These discussions should also consider how resource use relates to interoperability and coordination. This linkage is necessary, because the development of lunar infrastructures and lunar activities will necessarily utilize the products of space resources.

While the Secure World Foundation shares the view that orbital positions, spectrum, and frequencies are not space resources for the purposes of this group, we also note that an international regime governing those resources currently exists. [The ITU Constitution](#) and Mission Statement regards orbits and spectrum as “resources”, and has rules for their “rational, equitable,

efficient, and economical use.” An analogous lunar resource regime developed at COPUOS might follow suit, establishing the rational, equitable, efficient and economical use of lunar resources.

Achieving that regime requires an interdisciplinary approach. Economics principles, and the technical and scientific realities of space resource utilization must be considered in conjunction with legal frameworks. In turn, legal frameworks must consider and balance a wide range of interests, stakeholders, and activities – including their environmental impact, heritage and cultural considerations, the non-interference between actors, and the safety of operations. The *Hague International Space Resources Governance Working Group* serves as an example of this type of interdisciplinary approach. The *Hague Space Resources Governance Building Blocks* – and associated *Commentary* – available to Delegates at this session – also reflect interdisciplinary considerations.

SWF has engaged in a number of activities related to lunar and space resource governance, and participated as a Member of the *Global Expert Group on Sustainable Lunar Activities* (or ‘GEGSLA’). In February 2023, GEGSLA published the *Recommended Framework and Key Elements for Peaceful and Sustainable Lunar Activities*, the outcome of the Group’s two-year work period. The *Framework* is intended to support complementary activities within COPUOS for the development of international frameworks related to lunar coordination, such as space resource utilization, and the long-term sustainability of space activities. A side event on the *Recommended Framework and Key Elements* document will be held at 1400 CET on March 22nd in Room CR-5, and online *via Zoom*.

Together with the Space Generation Advisory Council, For All Moonkind, and the Open Lunar Foundation, SWF is pleased to announce the release of the *Lunar Policy Handbook*, a practical guide to help stakeholders navigate the nascent realm of lunar governance. The goal of the *Lunar Policy Handbook* is to provide foundational support to policy makers interested in lunar governance, and help lunar operators understand the policy implications of their missions. Delegations are cordially invited to receive a copy of the *Lunar Policy Handbook* during the launch event on March 27th at 6:30 pm in the Mozart room.

Madam Chair, distinguished delegates, the Secure World Foundation looks forward to continuing to support the Committee’s further efforts under this agenda item. Thank you for your kind attention.



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