

Indonesia

Agenda Item 8: General exchange of views on potential legal models for activities in exploration, exploitation and utilization of space resources

By: Erik Mangajaya

Chair,

My delegation associates itself with the statements of the G77 and China. Allow me to add our national view as follows:

First, the Government of Indonesia welcomes the progress of the discussion on a potential legal instrument to regulate the exploration, exploitation and utilization of outer space resources.

As stated in our National Statement on Item Agenda 3 of the General Exchange Views, our delegation would like to extend our deepest condolences for the passing of the former Chair of the Working Group, Ambassador Andrej Misztal of Poland. We also would like to congratulate Professor Steven Freeland of Australia as the new elected Chair.

Allow us also to extend our appreciation to Professor Steven Freeland for the Note and its Annex regarding the Initial Draft Set of Recommended Principles for Space Resource Activities (Doc A/AC.105/C.2/L.339). In our view, the Note could be a good basis of our negotiations.

Secondly, regarding substantive matters we would like to express the following points:

- a. On the issue of the relationship with OST 1967, we are of the view that the possible new legal instrument should be a special regime to regulate the exploration, exploitation and use of outer space resources activities.
- b. We would like to share our view that while categorization of Part 1 and Part 2 might be helpful to describe the “state of play” of our negotiations, we believe, however, that the categorization of principles in Part 2 should not mean that these principles are not recognized in international law; rather we agree they should be discussed without prejudice to the final text that we are negotiating. We even believe that some principles in Part 2 are necessary to support the safety and sustainable use of outer space and global development, and the interests of developing countries. We therefore would be happy to discuss more on how to move forward the negotiations on Part 2.
- c. The Government of the Republic of Indonesia has submitted its written contribution through a note verbal in 2024 as reflected on the website of the Working Group on Space Resources. Many parts of our inputs have been reflected in the Report Note. However, there are also some principles that still have not been explicitly reflected in either Part 1 or Part 2.

Therefore, we look forward to discussing other principles of international law that have not been captured and reflected in Part 1 and Part 2, including but not limited to the good governance principle through an establishment of a special management body, the principle of the common heritage of mankind and the principle of due regards, and the exception and flexibility of intellectual

property rights. We are wondering how these principles could also be discussed.

Fourth, on the approach issue, my delegation would like to express our view as follows:

- a. We acknowledge that there are some existing works on space resources, including the second tract approach conducted by several academic institutions. We are of the view that their works could provide added value to our work in formulating legal principles on space resources activities. Nevertheless, we believe that the identification and formulation of legal principles on space resource activities is still best discussed in an inter-governmental body of the United Nations, namely COPUOS.
- b. The discussion on legal issues of space resource activities should be sufficiently comprehensive, clear and able to accommodate future legal needs. As we have stated in the last LSC of 2024, the lex materiale of this set of legal principles should be comprehensive and sufficiently broad.
 - ➔ Therefore we believe that we have to see the legal issues of space resource activities not only from the stage of research, but also the chain process of production, the end product and its commercialization. We would like to discuss not only the down-stream but also the up-stream. Not only in situ, but also ex situ exploration and use. We welcome further discussion on the issue of environmental safety, intellectual property rights and related international trade law issues.
- c. We could support the method of work of discussing a Preamble part and Headings.
 - ➔ As we stated during last Friday's meeting, the Preamble should be clear enough to describe the intentions of member states, the objectives and purposes of the sets of principles.
 - ➔ Furthermore, in our view, the Headings does not prevent any member state from suggesting another Heading, if deemed necessary in the future, when certain issues arise that are not captured in the existed Headings.
- d. We would like to suggest that we could discuss further steps to advance the negotiation on the text after this LSC meeting. In line with the Work Plan of the Working Group, we encourage the Chair to also give us more detailed plans at least up to 2026.

Fifth, on the issue of management of the Working Group, we reiterate our pleasure at welcoming Professor Freeland as the Chair of this Working Group and we hope that there will be a representative of developing countries to sit as a Vice Chair.

Thank you.
