

Germany, Item 8

UNCOPUOS Legal Subcommittee 64th Session 5 – 16 May 2025, Vienna

Statement by Germany

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

Honorable Chair, distinguished delegates,

We are deeply saddened by the loss of our dear friend Ambassador Andrzej Misztal. We will remember his kindness and his outstanding work and service to COPUOS. We are committed to continue the work under this agenda item under the able leadership of Professor Freeland, as we are convinced that focussing on the substantive work would be in Andrzej's interest.

The use of resources on celestial bodies could be a key to sustainable space exploration. Materials found in space, such as rocks, oxygen or metals, may have valuable applications in sustaining life, providing fuel, or building infrastructure. Using them *in situ* opens up possibilities and reduces costs and negative impacts of transporting materials from Earth to space.

With Articles I and II, the Outer Space Treaty has taken a fundamental decision: Outer space and celestial bodies are a **global commons beyond national jurisdiction**, governed by international law, to which **equal and non-discriminatory access is guaranteed**. The same applies to resources. Freedom to explore and use them must be balanced against the principle of due regard for the interests of other States Parties. The Treaty privileges one form of activities: Scientific research. Thus, samples of space resources may be taken and, to a reasonable extent, used for the maintenance of space missions. These activities serve a fundamental objective of the Treaty: Exploration 'for the benefit and in the interest of all States', especially as they advance our scientific knowledge.

In contrast, exploitation of space resources for purely commercial purposes entails the risk of placing the benefits of one Party disproportionately above the interests of others. **An international framework developed by COPUOS is needed.**

We appreciate that the Working Group on Space Resources is working, as a first step, on principles for resource activities permitted under the Outer Space Treaty, namely exploration and use. The draft principles circulated by Professor Freeland on behalf of the bureau are an excellent basis for our discussion.

To manage possible risks associated with activities on celestial bodies, our delegation considers the following points to be important:

First, all space resource activities must be conducted in accordance with internationally agreed **planetary protection requirements**. They should not interfere with scientific investigations into the origin and distribution of life in our solar system.

Second, a balance must be struck between exploration and **environmental protection**. Recognizing the environmental and scientific value of space and celestial bodies, any serious damage to the environment and interference with the opportunities of others, including future generations, to carry out scientific research, should be avoided. All necessary measures should be taken to ensure effective protection of the natural environment. An **environmental impact assessment** prior to activities should be conducted. Also, an expert body could be established to provide scientific and technical advice and recommendations on these matters.

Third, given the potential interference with present or future activities of other parties, **consultations are warranted prior to any activity**. Information exchange and consultations enable discussion of potential impacts of a proposed action and include information on the status and condition of a space resource reserve.

Colleagues,

According to its terms of reference, the Working Group may seek outside expertise. It will be important to solicit feedback on the draft principles from non-governmental stakeholders such as academia, civil society and the private sector for consideration by Member States. Therefore we welcome that the draft principles have been published in all UN languages on the website.

Thank you.