

AGENDA ITEM 8
POTENTIAL LEGAL MODELS FOR ACTIVITIES IN EXPLORATION,
EXPLOITATION AND UTILIZATION OF SPACE RESOURCES

STATEMENT BY CAITLIN POLING, U.S. REPRESENTATIVE
TO THE LEGAL SUBCOMMITTEE
OF THE UN COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

May XX, 2025

Chair, first my delegation would like to reiterate its condolences to the family and friends of former Working Group Chair Andrej Misztal of Poland. Andrej provided the Working Group with excellent leadership and a positive attitude, and he will truly be missed. We express our appreciation for Vice Chair Steven Freeland of Australia for keeping the ship steady since Andrej's passing late last year. We stand ready to support you in your efforts and trust in your able leadership. We are grateful to Vice Chair Freeland for compiling submissions from States and developing an initial list of principles to focus our deliberations.

Last year, the United States was pleased to participate in the expert meeting in Luxembourg as well as the International Conference on space resources hosted during last year's Legal Subcommittee. These events were opportunities for delegations to learn from the private sector and other experts about the status of the science, technology, and the business cases that are developing for space resource activities.

Humankind is discovering immense benefits that humanity can reap from the extraction and utilization of resources in outer space, which will be particularly vital for ensuring safe and sustainable deep space exploration. The utilization of space-based resources – whether on the Moon, asteroids, or elsewhere – is critical to the long-term viability of space activities. As experts discussed at last year's events, relying on the extraction and transportation of Earth's limited resources to support sustained human

exploration of the Moon and missions to Mars and beyond is both operationally and economically impractical and unfeasible. Governments and the private sector are actively developing technologies to build solar panels, habitats, and other infrastructure using lunar regolith and to produce propellant from lunar ice. As one private sector expert in Luxembourg noted about the benefits of space resource activities, these activities have “a unique capability of enabling other activities.”

Despite the promise and growth of space resource activities, there is still much we do not understand, particularly regarding the location and concentration of ice on the Moon. Significant exploration and technological development are still necessary to fully harness its potential and advance our capabilities. This reinforces the fact that there is a lack of a practical basis for a comprehensive international legal framework governing space resource utilization activities. Last year, we heard from leading government and private sector experts that resource exploration and surveying missions, as well as initial technology demonstration missions, must take place before widespread space resource utilization activities can occur. Establishing rules in international law given the scientific, technical, and operational uncertainties would be not only inadvisable, but may also needlessly hinder the development of the potential and scientific benefits of space resource activities before they even take place. The four core space treaties provide a basic legal framework within which States can ensure their interests are protected during these initial missions.

The United States reiterates its long-standing view that utilization of space-based resources – including commercial utilization – can be done consistently with the four core United Nations space treaties. Under Article II of the Outer Space Treaty, outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claims of sovereignty, by means of use or occupation, or by any other means. In the U.S. view, this prohibition on national appropriation does not, however, limit ownership to be exercised by States or private entities over those natural resources that have been removed from their place on or below the surface of the Moon or other celestial bodies when consistent with U.S.

international obligations and domestic law. Such removal is permitted by Article I of the Treaty, which provides that outer space, including the Moon and other celestial bodies, shall be free for exploration and use by all States. In other words, it is the U.S. position that the non-appropriation principle in Article II applies to the natural resources of celestial bodies only when such resources are in place (*in situ*), and Article I recognizes the right of exploitation, as a part of the right of use. The Outer Space Treaty shapes the manner in which space resource utilization activities are carried out, but it does not broadly preclude such activities.

We do, however, see potential benefits of a general, high-level initial set of non-binding principles to help ensure that all nations engaged in space resource activities share a common set of fundamental beliefs: in the rule of law, transparency, open science, interoperability, avoiding harmful interference, and in peaceful purposes, among others. The Artemis Accords underscore these and other critical principles, and form a starting point for our efforts on space resource activities.

We look forward to productively engaging in the Working Group on space resources towards a pragmatic outcome to draft a set of high-level, non-legally binding principles that are well-informed by activities underway by the private sector and space agencies alike. We hope that our discussions reflect the rich inputs from the stakeholders who participated in last year's expert meeting and international conference, and take into account developments since our last LSC session. The United States will utilize ground development and early space resource demonstration missions to inform our inputs to this working group, which will help define and develop best practices for subsequent activities.

Thank you, Chair.