

Japan
Contributions on Elements for an Initial Draft Set of Recommended Principles for
Space Resource Activities for the Working Group on Legal Aspects of Space Resource
Activities under the Legal Subcommittee of the Committee on the Peaceful Uses of
Outer Space

The Government of Japan presents its compliments to the United Nations Office for Outer Space Affairs, the Chair and Vice-Chair of the Working Group on Legal Aspects of Space Resource Activities and has the honor to provide Japan's position with regard to the INVITATION CIRCULAR (OOSA/2024/43, CU 2024/221), dated 22 July 2024 inviting Member States to provide contributions on elements for an initial draft set of recommended principles for space resource activities.

1. Centrality of the provisions of the Outer Space Treaty

The Outer Space Treaty (hereinafter referred to as "OST") does not have any explicit provisions related to exploration, development and uses of space resources. The Government of Japan understands that the exploration, development and use of space resources are included in the freedom of the exploration and use of outer space, including the Moon and other celestial bodies, set forth in Article I of the OST. As such, this freedom shall be carried out "in accordance with international law, including the Charter of the United Nations" (Article III of the OST), "exclusively for peaceful purposes" (Article IV of the OST), and "with due regard to the corresponding interests of all other States Parties" (Article IX of the OST).

Therefore, it is desirable to discuss the future possibility of establishing a new framework for space resource through COPUOS as decided in "The Pact for the Future" and in accordance with the provisions of the OST, including the principle of freedom for exploration and use of outer space.

2. Relationship with other existing United Nations treaties on outer space

It needs to be explicitly confirmed that an initial set of recommended principles for space resource activities, to be developed by the Working Group on Legal Aspects of Space Resource Activities, will be drafted in a manner that complies with the OST as well as the other three existing United Nations treaties on outer space and not intended to create new legally binding instruments at this stage, but rather to complement and clarify the

provisions of the OST and other outer space treaties.

3. Relationship with the principles of non-appropriation and the peaceful use of outer space

Article II of the OST stipulates that “outer space, including the Moon and other celestial bodies, is not subject to national appropriation.” As such, States Parties to the OST shall not claim exclusive rights to outer space, including the Moon and other celestial bodies.

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes and considering that outer space shall be free for exploration and use by all States, “exploration and use of outer space” would be understood to include a wide range of activities, including space resource activities.

4. Questions on definitions

An initial set of recommended principles should aim to foster a common understanding among States, based on current space resource activities rather than attempting to define space resources in detail.

Under Japan’s Act on the Promotion of Business Activities for the Exploration and Development of Space Resources (2021) (hereinafter “the Space Resources Act”), “space resources” means water, minerals and other natural resources that exist in outer space, including the Moon and other celestial bodies. The “Exploration and Development of Space Resources” means mining, extraction, other similar activities, related processing, storage and transportation of space resources as well as examination of the existence of space resources that contributes to mining, extraction and other similar activities.

5. Matters related to the nature and purpose of space resources and their potential benefits, including for scientific research and economic development

An initial set of recommended principles should incorporate the following key elements:

- ✓ Article I of the OST: There shall be freedom of scientific investigation in outer space.
- ✓ Section 10 of the Artemis Accords: The utilization of space resources can benefit humankind by providing critical support for safe and sustainable operations.

In the context of economic development, the initial set of recommended principles should be drafted to ensure the accurate and smooth implementation of conventions concerning the development and use of outer space including the OST, and to promote business activities for the exploration and development of space resources by private business operators.

In this regard, while Japan's Space Resources Act does not apply to activities conducted exclusively for scientific research, it provides a national authorization system, rules for the acquisition of ownership of space resources and other necessary provisions.

6. Economic, environmental and equitable aspects of space resource activities

It is the position of the Government of Japan that the extraction and utilization of space resources should be executed in a manner that complies with the OST and in support of safe and sustainable space activities as recognized in Section 10 of the Artemis Accords.

The Government of Japan, in respect of Article I of the OST and Section 10 of the Artemis Accords, appropriately authorizes and continuously supervises the exploration and development of space resources in accordance with its national law. By doing so, the Government aims to realize sustainable development of space resources and contributes to preventing unauthorized space resource activities and disputes.

7. Protection of interests of current and future space actors and

8. Ethical, indigenous and intergenerational aspects

Space resource activities should be executed in a manner that complies with the OST and in support of safe and sustainable space activities as set forth in Section 10 of the Artemis Accords.

The Government of Japan emphasizes that the enforcement of Japan's Space Resources Act does not hinder the sincere implementation of treaties and other international agreements Japan has concluded, nor does it unjustly harm the interests of other states exercising their freedom of the exploration and use of outer space, including the Moon and other celestial bodies.

9. International coordination and consultation measures

The Government of Japan intends to discuss the future possibility of establishing a new framework for space resources through COPUOS as decided in “The Pact for the Future” to ensure international coordination, including internationally harmonized systems related to the exploration and development of space resources, promotion of information sharing among countries, and other measures for international coordination.

10. Licensing authority mechanisms and

11. Role of private sector and its supervision

States Parties to the OST have an international responsibility under Article VI to ensure that the activities of non-governmental entities would require authorization and continuing supervision by the appropriate State Party.

Japan’s Space Resources Act provides a national authorization system, rules for the acquisition of ownership of space resources and other necessary provisions, in order to ensure the accurate and smooth implementation of conventions concerning the development and use of outer space including the OST, and to promote business activities for the exploration and development of space resources by private business operators.

12. Sharing of information

Under Article XI of the OST, States Parties to the OST have agreed to inform their space activities in order to promote international cooperation in the peaceful exploration and use of outer space. Scientific information resulting from the activities with the public and the international scientific community is recommended to be shared on a good-faith basis as set forth in Section 4 of the Artemis Accords.

Under Japan’s Space Resources Act, Japan is committed to give public notice of licensed space resource activities without delay via the Internet or by other appropriate means to contribute to the prevention of disputes related to the exploration and development of space resources.

13. Possible aspects related to investments and international trade

Discussions for the initial set of recommended principles on investments and international

trade should be consistent with the existing rules of international law and reflect the current technology, the economic realities and needs of industry, as well as the space exploration programs of each country.

14. Aspects of benefit-sharing and interests of developing countries

An initial set of recommended principles should incorporate the following key elements:

- ✓ Article I of the OST: Space activities carried out for the benefit and in the interests of all countries.
- ✓ Section 8 of the Artemis Accords: A commitment to the open sharing of scientific data.