**SPACE RENAISSANCE INTERNATIONAL -- INPUT TO THE WORKING GROUP ON LEGAL ASPECTS OF SPACE RESOURCE ACTIVITIES, OCTOBER 2025**

Space Renaissance International is a Permanent Observer to the United Nations Committee on the Peaceful Uses of Outer Space. We provide this input in response to the "Updated draft set of recommended principles for space resource activities" released by the Working Group on October 15, 2025, focusing on four principles which have been proposed but have not yet achieved a "common understanding".

**Principle 2: Freedom of Access and Non-Appropriation**

Possible additional Principle 2(E)
(E) [Subject to Principles 1, 2(C) and 2(D),] The extraction of space resources [and/or the utilization of space resources do] does not inherently constitute national appropriation under Article II of the Outer Space Treaty.

**Supporting the private sector in outer space is good public policy.** We need its resources, talent, diversity, creativity, and enthusiasm for a sustainable human presence in outer space. This is not to say that the public sector does not have those things, but it is not enough. Government budgets alone cannot provide adequate funding. We must expand the free-market economy into outer space for an economically sustainable human presence, and to do that, we must create and protect adequate sources of revenue to attract operators, investors, and ultimately settlers.

It is clear that no one can claim sovereignty over an area that contains resources. But what about resources that are removed from in place? Article 11.3 of the Moon Treaty limits the ban on appropriation to "natural resources in place". Several countries have already adopted national laws that grant ownership of resources to any of their nationals that remove them from in place.

Clarification that extraction of resources is not appropriation under OST Article II is essential for any comprehensive set of international principles that seeks to enhance the existing framework for the utilization of outer space resources. Such clarification will provide the certainty that individuals, companies and investors need to commit their own time and resources. We note with approval that such language is part of the track changes to Principle 2(C) provisionally added during the Working Group's September intersessional meeting. SRI strongly recommends that the full Working Group adopt the proposed change.

**Principle 5: Sustainability and Protection of the Environment of Earth and Outer Space**

Possible additional Principles 5(A)(g) and 5(A)(h)
(g) protect [specific] areas that may have special scientific, environmental, historical, or cultural heritage interest or special significance for indigenous peoples;
(h) avoid depletion of space resources located at an area on the Moon or other celestial bodies, or the destruction of a celestial body in which space resources are located.

**Although supporting the private sector in outer space is good public policy, other public policies also need to be supported/protected.** One of those is the protection of areas of special

interest/significance from the effects of resource activity, for which we have observed a growing consensus. We support the adoption of proposed Principle 5(A)(g) and encourage the Working Group to focus on specific mechanisms (criteria and process) for its implementation. See Principle 8, below.

SRI also supports proposed Principle 5(A)(h), avoiding the depletion of resources. We acknowledge the need to protect the interests of those who come later, including emerging countries and future settlers/settlements. However, we do not support the creation of a supra-national authority for approval/management of space resource activity, as in proposed Principle 10(C)(d) and 10(C)(l)i.. A process/mechanism for ongoing consultation concerning potential depletion will be adequate. Again, see Principle 8.

**Principle 7: Sharing of Information and Data**

Possible additional Principle 7(A)
(A) Prior to conducting any space resource activities, States shall in a timely manner inform the Secretary-General of the United Nations as well as the public and the international scientific community [, to the greatest extent feasible and practicable,] of the planned nature, locations, [duration] and results of such activities, as well as [the results of any Environmental Impact Assessment in relation to such activities and] any measures designed to prevent potentially harmful interference with activities of any other State.

There is already a common understanding on Principle 7 that calls on states to "share relevant scientific and technical data that they have identified". SRI supports this Principle and the proposed expansion cited above. However, **national laws concerning intellectual property and export controls should be acknowledged and respected.** Proprietary information is one of the foundations for expanding the private sector into outer space; it is both an asset and a source of income. Export controls, including those on information and technology, serve vital national interests, including defense.

The proposed sharing of Environmental Impact Assessments is perhaps more properly analyzed in the context of Principle 5, Protection of the Environment. There is already a common understanding on Principle 5 that calls on states to "avoid the harmful contamination of outer space" and "to the greatest extent practicable, remediate all areas affected by their space resource activities and restore them to their original condition upon the completion of such activities." Environmental Impact Assessments would help achieve these goals while also alerting other actors of upcoming activities and allow consultation if any country believes that the activity has the potential for harmful interference. They would also help protect outer space for use by future generations, including emerging countries and settlers/settlements.

Environmental Impact Assessments are already part of the framework of national laws on Earth that protect people and the environment from the detrimental effects of commercial activity. SRI supports their extension into outer space, though we do not support the creation of a new supra-national agency to formulate or enforce them. National environmental laws and licensing requirements for outer space activity will be adequate.

**Principle 8: Coordination, Cooperation and Consultation**

Possible additional Principle 8(C)
(C) A State developing or planning to conduct any space resource activities shall, prior to proceeding with such activities, undertake appropriate international consultations with all States which it has reason to believe may suffer [potentially] harmful interference as a result of such activities.

Establishing an ongoing process/mechanism for coordination, consultation, and cooperation is essential for any framework for space resource activities, as noted above:

Principle 5, Sustainability & Protection: consultation to avoid depletion of resources; designation and listing of protected sites of special interest.
Principle 7, Sharing Information: Scientific and technical data, Environmental Impact Assessments; consultation to avoid harmful interference.

COPUOS has already begun to consider such a process by establishing the Action Team on Lunar Activity Consultation (ATLAC), though ATLAC is limited to lunar activity. Space Renaissance International supports expanding this process to all outer space activity, part of its 18th Sustainable Development Goal initiative (https://spacerenaissance.space/the-18th-sustainable-development-goal/).