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**Committee on the Peaceful  
Uses of Outer Space**  
**Legal Subcommittee**  
**Sixty-third session**  
Vienna, 15–26 April 2024  
Item 9 of the provisional agenda\*  
**General exchange of views on potential legal models  
for activities in the exploration, exploitation and  
utilization of space resources**

## **China – Input to the Working Group on Legal Aspects of Space Resource Activities**

The present conference room paper was prepared by the Secretariat on the basis of information received from China. The information was reproduced in the form it was received.

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## **Submission by the Delegation of China to the Working Group on Legal Aspects of Space Resource Activities of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space**

1. Upon the invitation of the Working Group on Legal Aspects of Space Resource Activities of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space (hereinafter referred to as “the Working Group”) addressed to States members for input on its mandate and purpose, and with a view to optimizing its work, the Chinese Delegation hereby makes the following submission:

### **I. Space Resources within the Mandate of the Working Group**

2. The Chinese Delegation believes that the Working Group in scoping space resources should refer to the major projects of States members on exploring deep space planned for the near future and focus its discussion on physical resources such as water-ice in lunar regolith and lunar rocks. Nevertheless, it is well noted that solar energy, radio frequencies and orbits, and other resources which is not in physical nature, can be treated as space resources under other frameworks.

3. The Working Group will benefit from information shared on planned space resource activities to have well-targeted discussions. China plans to launch the Chang’e-6 lunar probe in the first half of 2024 to collect and bring back sample of lunar regolith from the backside of the Moon, and launch the Chang’e-7 lunar probe around 2026 to land at the South Pole of the Moon and hop over one or two shadowed areas to detect lunar resources, including water-ice. The Chang’e-8 lunar probe is planned to launch around 2028 for experimental verification of the utilization of lunar resources, and in cooperation with international partners China will establish the International Lunar Research Station over the next decade and verify in-situ utilization of lunar resources therein.

### **II. The Existing Legal Framework for Space Resource Activities**

4. The Chinese Delegation, fully aware of space resource activities as a new form of human exploration and use of outer space, supports the Working Group to regulate space resource activities by virtue of faithfully interpreting and promoting implementation of current international space law and to contribute to its progressive development.

5. The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (hereinafter referred to as “the Outer Space Treaty”), as the cornerstone of the existing international space law, provides the fundamental principles for all outer space activities including space resource activities. The Chinese Delegation believes that any discussion of the rules governing space resource activities should be within the framework of international space law with the Outer Space Treaty as its basis. The fundamental principles enshrined therein, including but not limited to peaceful use of outer space, for the benefit and in the interests of all humankind, non-appropriation, international cooperation, due regard and compliance with international law including the United Nations Charter, shall be applicable to space resource activities.

6. Applying the aforementioned principles in a consistent and universal manner would offer utmost legal certainty and predictability conducive to the growth of space resource activities. The Chinese Delegation believes that the interpretation and application of the Outer Space Treaty and other core United Nations outer space treaties is in the interests of international community as a whole, and beyond national concerns of States conducting space resource activities. Therefore, the Working Group should be guided by the consistent and universal application of international space law in its deliberation on how to apply the Outer Space Treaty and relevant rules to space resource activities, as well as in developing a set of initial recommended principles to promote their implementation.

### III. Elements for the Development of Initial Recommended Principles

7. The Working Group is mandated to formulate a set of initial recommended principles for space resource activities. The Chinese Delegation hopes that the Working Group has high ambitions and realistic cautions in fulfilling such mandate, it should set priority on solving urgent practical issues through discussions around ongoing or upcoming national plans for space resource activities.

8. The Chinese Delegation believes that the initial recommended principles should be based on the existing international space law with a focus on its interpretation and application. Considering the limited practice of space resource activities, the Working Group should make efforts to check the practicality of any proposed new rules and formulate them in a measured way.

9. The Chinese Delegation would like to present the following views regarding several pressing issues posed by the present space resource activities as its input to the Working Group:

#### (a) Reaffirming and Operationalizing the Principle of Non-appropriation

10. Article II of the Outer Space Treaty provides that outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means. The Chinese Delegation believes that the exploration, exploitation and utilization of space resources shall be in conformity with the principle of non-appropriation, and the Working Group should formulate initial recommended principles to reaffirm the applicability of this fundamental principle, and to operationalize its application to the various contexts of space resource activities.

#### (b) Encouraging Space Resource Activities for Scientific Investigation

11. According to Article I of the Outer Space Treaty, there shall be freedom of scientific investigation in outer space. In the coming years, many States including China will carry out space resource activities for the purpose of scientific investigation which contribute to space science exploration and space application research. Such space resource activities are in line with the principle of exploration and use of outer space for the benefit and in the interests for all humankind, and their scientific research results and data are also eligible for benefit sharing. Therefore, the Working Group should consider these factors when formulating the initial recommended principles and mitigate any potential negative impact of those concerning commercial space resource activities on such activities with a scientific investigation purpose.

#### (c) Enhancing the Coordination of Space Resource Activities

12. Article IX of the Outer Space Treaty provides that, in the exploration and use of outer space, States Parties shall be guided by the principle of cooperation and mutual assistance and shall conduct all their activities in outer space with due regard to the corresponding interests of all other States Parties. Since the future space resource activities probably be conducted in certain specific areas of the Moon, The Chinese Delegation suggests the Working Group to formulate initial recommended principles as tools to implement the principle of cooperation and mutual assistance in space resource activities, which would ensure the safe and orderly conduct of such activities, and promote coordination among relevant States.

#### (d) Sufficient Supervision of Space Resource Activities of Non-governmental Entities

13. Article VI of the Outer Space Treaty states that States Parties shall bear international responsibility for assuring that national activities by non-governmental entities are carried out in conformity with the Treaty, and the activities of non-governmental entities in outer space shall require authorization and continuing supervision by the appropriate States Parties. The Working Group should look into

how to enforce the above-mentioned international responsibility with respect to space resource activities carried out by non-governmental entities. For that purpose the Working Group should formulate initial recommended principles to ensure effective fulfilment of international obligations under the Outer Space Treaty, by defining standards and procedures for State authorization of non-governmental entities to carry out space resource activities, and designing ways and means for continuing supervision of subsequent activities.

**(e) Protecting Sustainability of Space Resource Activities**

14. The Chinese Delegation recognizes that space resource activities are still in an earlier stage in term of technology and engineering, and upholds that space resource activities should be conduct with full consideration of the sustainability of resources, and ensure the freedom of exploration and use of outer space for future generations with the aim of intergenerational equity. The Working Group should therefore consider formulating initial recommended principles to prevent depletive exploitation of space resources which fails the requirements of sustainability.

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**中国政府关于空间资源活动法律问题的书面意见**

联合国外空委法律小组委员会空间资源法律问题工作组邀请各国就工作组任务授权和宗旨提交意见。为推动工作组高效开展工作，中国政府提交如下意见：

**一、空间资源的范围**

中方认为，工作组应立足于有关国家未来一段时期内主要深空探测工程规划，确定应讨论的空间资源范围，可聚焦于月壤、月岩中的水冰等物质资源。同时，这不应影响太阳能、频率轨位等非物质资源在其他语境下被认定为空间资源。

各方分享未来计划开展空间资源活动的有关信息，有助于工作组开展更具针对性的讨论。中方有关计划如下：中国计划于 2024 年上半年发射“嫦娥六号”探测器，在月球背面采集月壤并带回地球；计划于 2026 年前后发射“嫦娥七号”探测器，在月球南极着陆，并飞跃一到两个阴影坑区，对包括水冰在内的月球资源进行勘察；计划于 2028 年前后发射“嫦娥八号”探测器，进行月球资源利用的试验验证。中国计划在未来十年与国际伙伴合作，共同建成国际月球科研站，并利用科研站设施，验证月球资源原位利用。

**二、空间资源活动的法律基础**

中方充分认识到空间资源活动作为人类探索和利用外空活动的新形态，支持工作组通过善意解释和促进实施现有外空法，规范空间资源活动的开展，为外空法的逐步发展做出贡献。

1967 年《外空条约》是现行外空法的基石，是包括空间资源活动在内的所有外空活动均需遵守的基本准则。中方认为，任何关于空间资源活动规则的讨论，均应在《外空条约》确立的外空法框架下开展。《外空条约》规定的基本原则，包括但不限于和平利用、为全人类谋福利与利益、不得据为己有、国际合作、妥为顾及遵守包括《联合国宪章》在内的相关国际法等，均应适用于空间资源活动。

空间资源活动发展所需要的法律确定性和可预见性，首先来自于上述规则的统一普遍适用。中方认为，《外空条约》等联合国核心外空法条约的解释和适用关乎国际社会的整体利益，而不仅仅是开展空间资源活动国家的事务。中方支持工作组在确保外空法统一普遍适用的前提下，研究《外空条约》等具体规则如何适用于空间资源活动，并在此基础上，制定有助于其实施的“初步建议原则”。

### **三、对工作组今后工作的看法**

根据授权，工作组将制定空间资源活动的初步建议原则。中方认为，工作组目前讨论应围绕有关国家未来空间资源活动规划，聚焦于解决现实的、紧迫的问题，既要有雄心又要避免过于理想化。

中方认为，工作组将制定的初步建议原则应以现有外空法为基础，侧重解释和适用现有外空法。考虑到空间资源活动实践尚不丰富，工作组应在制定新规则方面稳妥推进，避免脱离实际。

**针对现阶段空间资源活动中最具紧迫性的问题，中方愿介绍以下看法，作为对工作组讨论的输入：**

#### **一是明确不得对空间资源据为己有。**

《外空条约》第 II 条规定，包括月球与其他天体在内的外空，不得由国家通过提出主权主张，通过使用或占领，或以任何其他方法据为己有。中方认为，对空间资源的探索、开发、利用等活动都必须符合不得据为己有原则，工作组应通过制定初步建议原则，明确这一基本原则，并针对该原则适用于空间资源活动的情形予以适当具体化。

#### **二是鼓励开展以科学调查为目的的空间资源活动。**

《外空条约》第 I 条规定，对外空应有科学调查的自由。未来一段时期内，包括中国在内的许多国家的空间资源活动主要是为了科学调查，服务空间科学探索与空间应用研究。上述空间资源活动既符合为全人类谋福利与利益原则，其科研成果和数据也可用于惠益分享。因此，工作组在制定初步建议原则时，应考虑上述因素，避免科学调查目的的空间资源活动受到商业目的的空间资源活动的负面影响。

#### **三是加强空间资源活动的协调。**

《外空条约》第 IX 条规定，探索和利用外空应以合作互助原则为指导，应充分注意所有其他缔约国的相应利益。考虑到未来空间资源活动可能集中在月球特定区域，中方认为，工作组应通过制定初步建议原则，在空间资源活动中落实合作互助原则，以确保有关活动安全有序开展，并促进相关国家以适当方式进行协。

#### **四是加强对非政府实体空间资源活动的监管。**

《外空条约》第 VI 条规定，各缔约国有责任确保本国非政府实体进行的外空活动符合《外空条约》规定，非政府实体的外空活动应经有关缔约国批准并受其不断监督。缔约国上述义务对参与空间资源活动的非政府实体如何落实，应成

为工作组关注的重点。工作组有必要制定初步建议原则，明确各国批准非政府实体开展空间资源活动的标准和程序，以及对其后续活动不断监督的方法，以确保《外空条约》规定的各项国际义务得到切实履行。

**五是保护空间资源活动的可持续性。**

中方认为，空间资源开发的相关技术和工程仍在初始阶段，因此相关活动应在开发利用空间资源的同时，充分考虑资源的可持续性，并确保未来的人类探索利用外空的自由，实现代际公平。因此，工作组应考虑制定初步建议原则，防止不符合可持续性要求的枯竭性开采。