

Space Renaissance International

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Technical Presentation:

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[Speaker to be defined]

Space Renaissance International – Input to the COPUOS LSC Working Group on Legal Aspects of Space Resource Activities (May 2025)

Space Renaissance International (SRI) thanks the Working Group on Legal Aspects of Space Resource Activities (Working Group) for their hard work and for the opportunity to make comments on the Working Group’s efforts to “assess the benefits of further development of a framework for such activities.” This will be a follow-up to our initial comments, submitted in September 2024.

Overview

The Outer Space Treaty of 1967 (OST) remains the most widely recognized component of customary international law concerning human activity in outer space. But it is vague or silent concerning outer space resource activity, especially private activity. We believe that any emerging framework must acknowledge two additional international instruments:

- a) The Universal Declaration of Human Rights of 1948, most notably Article 17, which states “Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.”
- b) The Declaration of the Right to Development of 1986, most notable Article 1, which states “The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”

Acknowledging these rights will benefit not only terrestrial private entities, but also non-terrestrial settlers and settlements. It is not too early to consider the future interests of outer space settlers and settlements, just as Article IX of the OST currently considers the interests of all member states. The vast majority of outer space resources will be used in outer space by those who live and work there, as very little can be sustainably marketed on Earth.

Current Functions of the OST

The OST is first and foremost a disarmament treaty (Article I). Second, and equally important, the OST prevents annexation of the Moon and other celestial bodies by any nation: “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” (Article II).

But the OST does extend a country's jurisdiction and control to any stations, installations, and facilities built by a country, including its nationals (Articles VIII, XII). Private ownership of resources gathered at such locations has been codified by several countries (the United States, Luxembourg, United Arab Emirates, and Japan) and endorsed by the space agencies of 53 countries who have signed the Artemis Accords. Even the International Lunar Research Station's Guide for Partnership acknowledges a role for "Lunar resources in-situ utilization".

These two international efforts summarize best practices that can be integrated into a future binding legal instrument. It is SRI's position that any emerging framework for outer space resource activity should confirm the ownership of any resources removed from "in place" by any private entity, including future settlers and settlements.

Recommendations

While these international efforts are a step in the right direction, SRI recognizes the potential fragmentation among nations which could stem from differing treaty interpretations. We therefore support the WG's efforts toward an agreement that would enhance certain principles as part of customary international law. As noted above, these must include the right of private ownership of resources and the right to develop.

We also support the WG's efforts to clarify the OST, in particular:

- What constitutes national appropriation (Art II)
- International responsibilities for authorization and supervision (Art VI)
- Harmful interference, due regard (Art IX)

At the very least, any product of the WG should include the statement that "nothing in any agreements/principles should be interpreted as having the effect of constraining the rights future settlers or settlements".

SRI is based on a fundamental belief that supporting private activity in outer space will benefit the Earth and its people. That is why we are supporting the adoption by the United Nations of an 18th Sustainable Development Goal, "Space for All, on Earth and Beyond". For more information, please go to <https://spacerenaissance.space/the-18th-sustainable-development-goal/>.

In closing, we wish to acknowledge the dedicated work of Andrej Mizstal

[Warning: this is an abstract. Proper text and ppt presentation will be communicated before the session]