

Reactions to the US Space Act 2015

Statements at COPUOS

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What is COPUOS?

- United Nations Committee on the Peaceful Uses of Outer Space
- 77 Member States + Observers
- Established in 1959
- Two subcommittees established in 1961
 - Scientific and Technical Subcommittee
 - Legal Subcommittee
 - Originator of the ‘space treaties’

Space Act Reactions at COPUOS

- New COPUOS chair called for the universalisation of the Moon Agreement
- Discussion started with US response to Russian CRP15
- Morning sessions of April 4th and 5th
Afternoon sessions of April 13th
- Audio recordings on UNOOSA website
<http://www.unoosa.org/oosa/audio/v2/meetings.jsp?lng=en>

US Position

- Law misunderstood, is consistent with US obligations
- Not claiming sovereignty over space or celestial bodies
- Had to be unilateral action as no multilateral mechanism for space resource management
- Act will be interpreted and applied in accordance with obligations under international law
- US has not authorised anything so far!
- New US law doesn't change US position on appropriation in space

Russian Position

- COPUOS is sole forum to create space law
- Unilateral adoption of national legislation is unacceptable
- Space mining poses significant risks for all of humanity and so needs to be discussed in COPUOS
- Resources are celestial bodies and therefore subject to prohibition of Art. II OST
- Russia says we must look to Moon Agreement

Belgian Position

- Belgium not a fan of new US law, worried about global economic imbalance
- Belgium has preference for international approach, not opposed to ad hoc international regime
- Outer space natural resources cannot be appropriated by extension of national jurisdiction
- Belgium prefers MA Art. 11 but is also open to alternatives
- Says understands industry needs/concerns but national approach is not solution (direct reply to Luxembourg)
- Doesn't see resources and celestial bodies as separate

Italian Position

- Can't adhere to Moon Agreement, as contradicts OST, free use vs. collective exploitation
- Only state parties can interpret, not all COPUOS members parties to all treaties, limits COPUOS competence re interpretation
- OST contains a lot of principles that have become customary law, not true for Moon Agreement
- Confident US will apply law in accordance with obligations under international law

Space Resources Agenda Item

- Belgium proposes adding space resources to 2017 agenda as single issue item
- Russia, Greece, Mexico, Austria, Netherlands Belgium, USA and Iran all express support
- Discussion regarding title
- Iran wanted CHM including, rejected by both Russia and US

Space Resources Agenda Item

- Exploitation, Exploration, Utilization or all three
- Russians raise argument that OST uses exploration, all states free in exploration, MA uses exploitation (Art 11), elsewhere exploitation and utilization are used together, in Russian three terms have different meanings, exploration – research, study; exploitation – extraction; utilization – use
- US - not aware of three categories of use of space resources possible, wouldn't want to imply a legal differentiation, suggested utilization to be as broad as possible, to be a 'catch all'

Space Resources Agenda Item

- ILA – space treaty speaks of exploration and use, binding, the Moon Agreement adds exploitation, only binding on 16 states party to MA, not part of customary law, why bring in utilization, not used in English version, only used in Spanish version, what's the difference between use and utilization
- Mexico – in Spanish no difference between use and utilization, exploration and use are different concepts.

Space Resources Agenda Item

- Exploit – 1. make use of and derive benefit from (a resource)
- Explore – 1. investigate or discuss in detail
- Use – 1. take, hold, or deploy as a means of achieving something 2. take or consume (an amount) from a limited supply
- Utilize – make practical and effective use of

Space Resources Agenda Item

- Final agreed title: **General exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources**

Thank You!

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