

Canadian Statement**Agenda Item 9 – General Exchange of Views on potential legal models for activities in the exploration, exploitation & utilization of space resources.****Delivered by: Curtis Schmeichel, Global Affairs Canada**

Committee on the Peaceful Uses of Outer Space
Legal Subcommittee
Sixty-third session, Vienna, April 15 - 26, 2024

Chair, Distinguished delegates,

Canada would like to thank Luxembourg, Belgium, the Chairs of the Working Group on legal aspects of space resource activities, as well as every participant that made the Space Resources Week and Expert Meeting a success. This was a novel approach to gathering crucial outside expertise to support deliberations within this Subcommittee. Canada believes that a multi-stakeholder approach, inclusive of academia, civil society, the private sector, and industry will ensure that this important work is grounded in technical realities.

Chair,

The four (4) core United Nations treaties on outer space: the Outer Space Treaty, the Rescue and Return Agreement, the Liability Convention, and the Registration Convention constitute the legal framework governing all outer space activities. While this includes space resource activities, there is no specific mention of these activities in the treaties. In practice, this means the application of the legal obligations in those treaties to this field of space exploration and use is not always obvious. The Legal Subcommittee and its Working Group on Space Resource Activities can play a valuable role by providing guidance in this area. Canada suggests the following legal principles and obligations could form the basis of the guidance developed by this Subcommittee and its Working Group:

1) Freedom of exploration and use of Outer Space

The foundation of the legal regime created by the Outer Space Treaty is that all States are free to use and explore outer space, that includes the freedom to use outer space resources. This freedom, articulated in Article I of the Outer Space Treaty, applies equally to all States. To ensure that all States can exercise the right to use and explore outer space, we turn to the next obligation.

Canadian Statement

Agenda Item 9 – General Exchange of Views on potential legal models for activities in the exploration, exploitation & utilization of space resources.

Delivered by: Curtis Schmeichel, Global Affairs Canada

Committee on the Peaceful Uses of Outer Space
Legal Subcommittee
Sixty-third session, Vienna, April 15 - 26, 2024

2) Due regard

Article IX of the Outer Space Treaty requires States Parties to the treaty to conduct outer space activities with due regard to the corresponding interests of all other States Parties. In the context of space resource activities, this would involve notifying other States of activities that could have an impact on their activities, personnel or equipment. With that notice, States Parties can consult for the purpose of developing protocols or safety zones that prevent harmful interference with each other's activities.

3) Information exchange and transparency

Article XI of the Outer Space Treaty provides a legal basis for providing notice of space resource activities, and other outer space activities. These notices could serve to enable consultations to occur. The release and exchange of scientific data could also be accomplished through the use of Article XI. Finally, this mechanism, already present in the Outer Space Treaty but underutilized, is a way to foster transparency in relation to space resource activities and promote international cooperation, which is another foundational principle set out in Article I and throughout the Outer Space Treaty.

4) Assistance to personnel in distress

In carrying on activities in outer space and celestial bodies, including space resource activities, Article V of the Outer Space Treaty requires States Parties to render all possible assistance to astronauts of other States Parties. If this assistance results in return of astronauts to Earth, astronauts must be returned to the State of Registry of their space vehicle or the launching authority.

5) International Law

Finally, underlying all of the above is the obligation to carry on space activities in accordance with international law, including the UN Charter, in the interest of maintaining

Canadian Statement

Agenda Item 9 – General Exchange of Views on potential legal models for activities in the exploration, exploitation & utilization of space resources.

Delivered by: Curtis Schmeichel, Global Affairs Canada

Committee on the Peaceful Uses of Outer Space
Legal Subcommittee
Sixty-third session, Vienna, April 15 - 26, 2024

international peace and security and promoting international cooperation and understanding as set out in Article III of the Outer Space Treaty.

Chair, distinguished delegates,

Canada has long asserted that the legal framework should not get ahead of technical progress. It is imperative that some flexibility remains to ensure we do not stifle innovation and discovery whilst providing a sufficient framework to ensure safety, sustainability and adherence to the existing global space governance frameworks and in particular, the Outer Space Treaty. Humanity will be looking at using key space resources for space exploration missions, including water, oxygen, propellant, and materials for building habitats. These resources will be essential in supporting a sustained human presence in outer space. In that vein, it is important to take into account the potential for future missions so that any rules developed around space resource activities do not unnecessarily burden or hamper innovation in support of those missions. It is for these reasons that Canada sees a need for *non-binding guidelines* to assist States in the implementation of the treaty provisions to space resource activities.

Canada remains committed to working within the Legal Subcommittee of COPUOS to establish principles for space resources activities that are practical and flexible to ensure the safety and sustainability of outer space activities for the benefit of all.

Thank you for your kind attention.