

**Indonesia**

**Agenda Item 9: General exchange of views on potential legal models for activities in exploration, exploitation and utilization of space resources**

By: Erik Mangajaya

Mr. Chair,

My delegation associates itself with the General Statement of G77 and China delivered by Her Excellency Ambassador Laura Gil, Permanent Representative of Colombia in Vienna and the Statement of G77 and China on Item Agenda 9 delivered by Pakistan.

Allow me to share our national views as follows:

First, Indonesia welcomes to continue the discussion of potential model to regulate the exploration, exploitation and utilization of outer space resources.

Second, we observe that Article 1 of the Outer Space Treaty 1967 does not prohibit the exploitation and use of outer space, but such space activities should be carried out for the benefit and interests of all countries, regardless of the level of economic and technological capabilities. Further, Article 2 of Outer Space Treaty 1967 states clearly that the exploitation and the use of outer space shall be for the province of all mankind and therefore it is prohibited to claim of sovereignty by any other means.

We acknowledge that there is an interpretation, at least suggested by some countries and experts, that the word sovereignty stipulated in Article 2 of the Outer Space Treaty 1967 does not mean prohibiting rights to explore or rights to get economic benefits. Some also argue that sovereignty should be differentiated from property right.

However, as we heard from the Conferences held in Luxemburg last month, and also the Conference held in Vienna during our current LSC Meeting, the issue of legal aspect of commercialization activities is not a simple issue, it is a complex one. We believe that we have to see this legal issue comprehensively, not only from the stage of research and development or operation activities (such as mining activities), but also the end product and commercialization stage.

Let me give you a simple example: if a company or state conducts mining activities of certain mineral on the moon, how the rules of origin be determined? who will own the intellectual property rights of the products? Who will get the economic value? Is it in line with the principle of non-appropriation and province of all mankind? is it in line with our understanding about bringing the benefit for all humankind? How to determine the sharing benefit?

We believe that we need to broaden our analysis seeing other branches of international law.

Secondly, we need to discuss the relationship between such possible regulatory framework with the Outer Space Treaty 1967 or other UN outer space treaties. As we said many times in this LSC session, we should discuss the legal implication of creating a new possible framework, are we going to reinterpret, revise and modify, amend or even supersede Outer Space Treaty 1967?

Third, Indonesia would suggest to continue to discuss some issues as follows:

- a. The definition of space resource;
- b. The definition of exploration, exploitation, utilization and use.

Fourth, we welcome to continue the effort to collect more information about states' practices.

Fifth, we welcome gathering more information about models and jurisprudence that are being developed in other international fora such as discussion regarding Antarctica, sea bed, or marine resources beyond national jurisdiction (BBNJ) or the negotiation on genetic resources protection. They could enrich our discussion.

Furthermore, several principles of international laws could probably be used to enrich the discussion of space resources for scientific and commercial purposes. Indonesia views that the analogy of combining the Universal Service Obligation principles (under the ITU rules) and some principles enshrined in 2015 Paris Agreement on climate change may serve as alternatives to guide the discussion.

Sixth, Indonesia attaches the importance to have an equal access to space resources which can be in the form of material and non-material which are arranged separately based on the principle of space activities to make it easier to reach regulatory agreements by all countries. Equality of access in this case means, inter alia, fairness of opportunity to utilize space resources jointly with other countries or through international collaboration.

Seventh, we would request to discuss further the environment impacts to guarantee the utilization of space resources in a sustainable manner and safety of humankind and the outer space stability in the future.

Eighth, we believe that the agreed regulatory framework should be completed before the actual exploration, utilization, and exploitation of space resources are carried out.

Chair,

Indonesia welcomes that the discussion on the possible regulatory framework on exploration, exploitation and use of space resources be done multilaterally and conducted in a transparent and inclusive manner.

We acknowledge that there are so many working papers, written submissions and reports of works on this issues, we look forward to continuing the discussion of exploration, exploitation and utilization of space resources.

Indonesia welcomes the reconvened of the Working Group on Legal Aspects of Space Resource Activities, which this year is the second year of the five-year work plan 2023-2027. to discussing more detail work program of the Working Group. We appreciate the work of the Chair and Vice Chair of the Working Group. We look forward

Thank You.