

**Committee on the Peaceful Uses
of Outer Space****Sixty-fourth session**

Vienna, 25 August–3 September 2021

**Proposal on the mandate, terms of reference and method
of work of the working group established under the Legal
Subcommittee agenda item entitled “General exchange
of views on potential legal models for activities in the
exploration, exploitation and utilization of space resources”****Working paper submitted by the Chair and Vice-Chair of the
working group****I. Introduction and background**

1. The Legal Subcommittee, at its sixtieth session, in 2021, noted that, at its fifty-eight session, in 2019, the Subcommittee had agreed that under item 14 of its agenda, entitled “General exchange of views on potential legal models for activities in exploration, exploitation and utilization of space resources”, scheduled informal consultations were to be held at the fifty-ninth session of the Subcommittee, in 2020 ([A/AC.105/1203](#), para. 278).
2. The Subcommittee also noted that the Committee, at its the sixty-second session, in 2019, had endorsed the nomination by Belgium and Greece of Andrzej Misztal (Poland) as Moderator and Steven Freeland (Australia) as Vice-Moderator to lead those scheduled informal consultations ([A/74/20](#), para. 258).
3. The Subcommittee further noted that owing to the coronavirus disease (COVID-19) pandemic, its fifty-ninth session had been cancelled and that, in accordance with the decisions and actions by the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee taken by written procedure ([A/75/20](#), paras. 6–7 and 26), those scheduled informal consultations were held during the plenary meetings of the sixtieth session of the Subcommittee.
4. At the sixtieth session of the Subcommittee, the Moderator and Vice-Moderator held eight rounds of scheduled informal consultations during the plenary meetings of the Subcommittee with interpretation services with the aim of reaching consensus on the establishment of a working group under agenda item 14.
5. At its 1010th meeting, on 9 June, the Subcommittee decided, on the basis of the reports provided by the Moderator and Vice-Moderator of the scheduled informal consultations on the progress made in those consultations, to establish, under a five-year workplan, a working group under the agenda item on general exchange of



views on potential legal models for activities in the exploration, exploitation and utilization of space resources, with Mr. Misztal as Chair and Mr. Freeland as Vice-Chair of the working group.

6. The Subcommittee welcomed the consolidated proposal of the Moderator and Vice-Moderator of the scheduled informal consultations on the establishment of a working group, which had brought together numerous views advanced by delegations in the deliberations on the mandate, terms of reference and method of work of the working group. The proposed draft mandate, terms of reference and method of work of the working group are based on the discussions at the sixtieth session of the Subcommittee on the consolidated revised proposal of the newly elected Chair and Vice-Chair and are set out in section II of the present working paper and made available, in all of the official languages of the United Nations, to the Committee at its sixty-fourth session in order to facilitate further discussions on those matters.

7. The Subcommittee requested the Chair and Vice-Chair of the working group to continue consultations, in the intersessional period, on the mandate, terms of reference and method of work of the working group, and to consult with the Chair of the Committee and with the Secretariat regarding the scheduling of the sixty-fourth session of the Committee, so as to enable the working group to meet during the session and benefit from interpretation services. In this regard, the Subcommittee recommended that the Committee also consider the matter further at its sixty-fourth session.

II. Proposed draft mandate, terms of reference and methods of work of the working group under a five-year workplan

A. Mandate

8. The working group shall:

(a) Collect relevant information concerning activities in the exploration, exploitation and utilization of space resources, including with respect to scientific and technological developments and best practices, taking into account their innovative and evolving nature, as a first step;

(b) Develop a recommended set of initial principles and, if appropriate, practical measures for such activities to ensure that they are carried out in a safe, sustainable and peaceful manner and in accordance with international law for consideration by the Committee and possible subsequent consideration by the General Assembly in a dedicated resolution;

(c) Study the existing legal framework for such activities, in particular the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and other applicable United Nations treaties, also taking into account other relevant instruments, as appropriate, and identify areas where further development of the framework might be helpful;

(d) Assess the benefits of the further development of the framework, including by way of additional governance instruments;

(e) Identify areas for further work by the Committee and recommend next steps, which may include the development of potential models, rules and norms, for activities in the exploration, exploitation and utilization of space resources, including with respect to related activities and benefit-sharing.

B. Terms of reference

9. The terms of reference are as follows:

- (a) The working group reports to the Legal Subcommittee of the Committee;
- (b) The working group and its meetings shall be guided by the rules of procedure, methods of work and established practices of the Committee, including with respect to contributions by permanent observers;
- (c) The working group will be led by a Chair and a Vice-Chair and supported by the Secretariat;
- (d) The working group shall be open to all States members of the Committee, and the participation of developing and emerging countries shall be encouraged;
- (e) The working group shall take into consideration submissions from States members and permanent observers of the Committee on the issue of activities in the exploration, exploitation and utilization of space resources, including with respect to related activities and benefit-sharing, as well as relevant inputs from non-governmental stakeholders, such as academia, civil society, technical experts and institutional and private actors;
- (f) The working group and its members may avail themselves of previous work on the issue of activities in the exploration, exploitation and utilization of space resources, including but not limited to study reports, academic research and papers.

C. Workplan and methods of work

10. The workplan and methods of work are as follows:

- (a) On the basis of the agreed mandate and terms of reference, the working group shall, in 2022, agree on its detailed workplan and methods of work. This shall include appropriate means of coordination with the Scientific and Technical Subcommittee;
- (b) The foregoing shall not prevent the working group from undertaking initial administrative, information collection and stocktaking tasks as provided for in its mandate;
- (c) The working group may consider and adopt specific rules concerning the method of handling inputs from non-governmental stakeholders;
- (d) The working group shall in its work avail itself of electronic means of communication whenever practicable and/or necessary.