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United Nations Committee on the Peaceful Uses of Outer Space
60th Legal Subcommittee

Agenda Item 3. *General Exchange of Views*

7 June 2021

Madam Chair, distinguished delegates, on behalf of the Open Lunar Foundation, I appreciate the opportunity to present our application for permanent observer status and offer an overview of the Foundation's work: namely, to ensure a peaceful and cooperative presence on the Moon for the benefit of all life.

I also wish to acknowledge my colleagues from the Space Generation Advisory Council (SGAC) for their excellent work contributing to this year's session. The first time I participated at COPUOS was in 1999, as a young delegate to UNISPACE III, where I was a founding member of SGAC. So, while civil society contributes to COPUOS, COPUOS shapes the international community in return. In this regard, I would like to thank the Committee for consistently nurturing mechanisms of civil society input— a role that is especially important in a time when our domestic and international institutions are experiencing significant change.

Now, Madam chair, I would like to turn to the work of Open Lunar Foundation. Open Lunar works on policies and institutions for the emerging Earth-Moon system, in support of peaceful and cooperative futures driven by open values. We were founded by a community of technologists who recognize the increasing pace and sophistication of private sector activity focused on the Moon, and the commensurate need to bring intentionality to precedent setting in this new domain. Since 2019, we have worked to identify and introduce lunar policy topics to the international community and to the private sector.

When we began, policy and governance for lunar activities was considered obscure. Just a few short years ago, the idea of discussing space resources at COPUOS was almost unthinkable. Since then, as many esteemed delegations have highlighted in the course of this meeting, it has become clear that there are numerous legal and policy questions about how the Outer Space Treaty will apply to sustained presence on other celestial bodies. And the Moon is likely to be our first test.

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We have seen the Artemis program and the International Lunar Research Station announced, catalyzing much international attention on the Moon; and, the Artemis *Accords*, which highlight important matters in need of coordination and reinforce the need for new agreements. The Accords have also surfaced differing perspectives on how to approach such agreements. As we have learned from the technology community, new institutional approaches will be needed to keep pace with rapid developments, and account for the increasing complexity of lunar affairs.

In support of these needs, our work has three key components. First we ask: what policies are both timely and important; second, we engage in research, dialog and capacity building; and third, in some cases, we see opportunities to catalyze new institutions, technologies, or activities directly.

Our research focuses on technology, policies, and governance arrangements, with a particular emphasis on opportunities for adaptive, stakeholder-driven coordination and commons-based strategies. In 2020, we were invited to brief teams from 5 different governments on emerging lunar policy areas.

Open Lunar is a co-convener of the Moon Dialogs, along with Secure World Foundation and For All Moonkind, also observers to this Committee. The Moon Dialogs seeks to create a portfolio of policy solutions for decision makers regarding lunar activities. In 2020, we held 9 interdisciplinary webinars on lunar coordination topics, ranging from registration, to dust, safety zones, and landing pads, with thousands of attendees from different sectors. Just recently, we facilitated a dialog between Canadian, Chinese and Russian representatives on collaborative approaches to lunar bases.

We operate an international fellowship program which has supported young scholars to research cutting edge lunar policy questions such as zoning, safety zones, antitrust, nuclear power, innovative legal structures, and stakeholder interests. This program has cross fertilized work in universities and institutions around the world, including France, Germany, India, Italy, Luxembourg, the Netherlands, New Zealand, the United States, and Zimbabwe.

In 2021, we have focused a number of our activities and scholarship on the question of space resource governance. This includes an ongoing research program on the characterization of diverse lunar resource systems, and the application of

polycentricity and political economy. Members of the committee may wish to read our briefing on Polycentric Governance of Space Resources, available at openlunar.org. In the second half of 2021, the Foundation will host an approximately 6-month multi-stakeholder convening process regarding rights frameworks that might be applied to different lunar resource systems, including but not limited to the application of property rights and public trust doctrine.

Madam Chair, we are looking forward to an important decade for lunar activities. Based on work with a broad range of stakeholders, including delegations and observers present at this meeting, Open Lunar wishes to highlight the diversity of topics that members of the committee may need to address in the years to come. These include:

1. Lunar site selection and occupancy;
2. Resource management and property rights;
3. Authorization, supervision, and liability for complex, multi-party private activity.
4. Lunar orbital management and capacity.
5. Conservation policies and heritage designations.
6. Practices of registration applied to surface activities.
7. Debris and disposal, in orbit and on the surface, especially as we see the consequences of inaction near Earth.
8. And finally, standard practices for notification and due regard.

Madame Chair, the Foundation is grateful for the opportunity to make this statement in support of our application, which is available as CRP.9. We are also pursuing admission to ECOSOC at the next available date. We wish to note in particular our support of the timely informal consultations on space resources, and the hopeful establishment of a working group.

To conclude, Madame Chair and distinguished delegates: Open Lunar wants to ensure that when we look up at the Moon, we all see something we're proud of. We invite you to explore our work further on our website, located at openlunar.org. We thank you for your attention, and look forward to participating in the work of the Committee in the years to come.