

Honourable François-Philippe Champagne
Minister of Foreign Affairs
Global Affairs Canada
125 Sussex Drive
Ottawa, ON K1A 0G2

cc.

Right Honourable Justin Trudeau, Prime Minister of Canada
Honourable Chrystia Freeland, Deputy Prime Minister and Minister of Intergovernmental Affairs
Honourable Navdeep Bains, Minister of Innovation, Science and Industry
Honourable Seamus O'Regan, Minister of Natural Resources

20 April 2020

Dear Minister Champagne,

Re: US Executive Order on Recovery and Use of Space Resources

On 6 April 2020, the President of the United States signed an Executive Order on Encouraging International Support for the Recovery and Use of Space Resources (“Executive Order”).

The Executive Order acknowledges uncertainty concerning the legal right to recover and use space resources, including whether it extends to commercial recovery and use. This situation of uncertainty has led to several years of deliberations amongst space-faring states, principally at the United Nations Committee on the Peaceful Uses of Outer Space.

There has, however, been a long-standing consensus among states that the recovery and use of space resources should be governed by an international agreement, as has been done in other “areas beyond national jurisdiction” where resources are recognized as constituting “global commons”, for example the deep seabed, international airspace, and the radio frequency spectrum.

The current US Administration takes the unprecedented position that outer space is not a global commons. It favours a unilateral approach to governing the recovery and use of space resources. This position is shared by only one other state, namely Luxembourg.

The Executive Order mandates the State Department to seek support from other national governments for the US position and approach, including on a bilateral basis and without recognizing the need for an international agreement. For this reason, it seems likely that the State Department will soon approach Global Affairs Canada on this issue.

In March 2020, a transdisciplinary workshop on space mining was organized by the Outer Space Institute at the University of British Columbia. At the conclusion of the workshop, the two dozen

international experts adopted the Vancouver Recommendations on Space Mining, which we attach to this letter for your information.

At the heart of the Vancouver Recommendations on Space Mining is a rejection of any unilateral approach based on the adoption of national legislation. Instead, the Recommendations promote negotiations on a widely-supported international agreement. This position is strongly supported by the Institute of Air and Space Law of McGill University as well as other international bodies that have studied this issue in depth.

The undersigned therefore strongly urge the Government of Canada to reiterate its policy that outer space is a global commons and work through multilateral forums to seek a widely-supported international agreement on how space resources should be recovered and used.

In our considered assessment, such an approach would support Canada's national interests, including the interests of the Canadian space and mining industries.

Furthermore, given Canada's long-standing policy of multilateralism and its leadership on other global challenges, ranging from UN peacekeeping to the Law of the Sea to Anti-Personnel Landmines, we propose that you take a leadership role in promoting such an international agreement—in order to continue to preserve and develop space for the benefit of all humankind.

With thanks for your attention to this important matter, we are,

Yours sincerely,

Aaron Boley, Canada Research Chair in Planetary Astronomy, University of British Columbia, and Co-Director, Outer Space Institute

Michael Byers, Canada Research Chair in Global Politics and International Law, University of British Columbia, and Co-Director, Outer Space Institute

William (Mac) Evans, former President, Canadian Space Agency, and former Chief-of-Staff to the Minister of National Defence

Ram S. Jakhu, Institute of Air and Space Law, Faculty of Law, McGill University

David Kendall, former Chair, United Nations Committee on the Peaceful Uses of Outer Space, and former Director General of Space Science and Technology, Canadian Space Agency

Paul Meyer, Adjunct Professor of International Studies and Fellow in International Security, Simon Fraser University, and former Canadian Ambassador for Disarmament

Marie Lucy Stojak, Executive-Director of Mosaic-Creativity & Innovation Hub, HEC Montréal