

AGENDA ITEM 3

GENERAL EXCHANGE OF VIEWS

STATEMENT OF THE UNITED STATES OF AMERICA

Mr. Chairman, let me first congratulate you on your election as Chairman. While I am new to the Committee, members of the U.S. delegation have had the pleasure of working with you for many years and are confident that under your leadership the Subcommittee will continue to produce useful results and lay the foundation for further substantive work.

We are now meeting in our 40th session, marking a significant milestone for COPUOS and the promotion of international cooperation in the peaceful uses of outer space. Since its first session in May 1962, the Legal Subcommittee has formulated and adopted five major outer space treaties and several sets of international principles, producing a new branch of international law at a pace second to none. These treaties and principles provide the foundation for the orderly use of outer space for the benefit of all countries. Under this legal regime, space exploration by nations, international organizations and, now, private entities has flourished. As a result, space technology and services contribute immeasurably to

economic growth and improvements in the quality of life around the world.

The process by which these groundbreaking legal instruments were adopted is an important example of productive multilateral diplomacy. Usually, member States present draft proposals for future instruments of international space law at the annual meetings of the Legal Subcommittee. These draft proposals are then negotiated, debated, discussed, and where scientific and technical issues need to be examined, referred to the Scientific and Technical Subcommittee for investigation. The process takes place over a number of successive years, with negotiations held not only at the Legal Subcommittee itself but also between sessions on a bilateral and multilateral basis. This intense, result-orientated process has resolved disagreements and led to compromises by all sides on an issue and produced the consensus decision required by the Committee and its subsidiary bodies.

Throughout its history the Committee has been characterized by the process of consensus and the desire and interest of member States to develop space law which promotes, not hinders, space exploration. This has led to achievements that are significant for any United Nations

organization responsible for negotiating international law instruments.

Mr. Chairman, this record of success is also attributed to the fact that the Committee has been able to avoid being drawn into protracted debate on extraneous political issues. In this regard, we would like to remind delegates that from its inception, COPOUS was mandated to deal exclusively with international cooperation in the peaceful uses of outer space. The First Committee of the UN General Assembly, the UN Disarmament Committee and the Conference on Disarmament would be more appropriate multilateral fora to discuss arms control matters related to outer space.

Mr. Chairman, allow me call to the attention of delegates two other important milestones in the work of the Subcommittee. This year marks the 15th anniversary of the adoption of the Principles Relating to Remote Sensing of the Earth from Space and the 5th anniversary of the adoption of the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries. The Remote Sensing Principles established fundamental concepts that have helped expand civil and commercial use of remote sensing

data to improve natural resources management, land use and the protection of the environment. First, remote sensing satellite operators are free to collect data at anytime of any part of the Earth. Second, such data is to be made available on a public non-discriminatory basis and on reasonable cost terms.

The Principles on Space Benefits elaborated on the basic concept of Article I of the 1967 Outer Space Treaty; that is the exploration and use of outer space shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development. The Principles made a lasting contribution to international space cooperation by establishing two basic considerations: 1) States are free to determine all aspects of their international cooperation, whether it is bilateral or multilateral or whether it is commercial or non-commercial and 2) States should choose the most effective and appropriate mode of cooperation in order to allocate resources efficiently.

Mr. Chairman my delegation has noted the positive developments in revitalizing the agendas and methods of work of COPUOS and its Subcommittees. One only has to turn to the last session of the Legal Subcommittee to see the positive results that have emerged from our efforts. Under

the able leadership of Chairman, the Subcommittee decided to end its working group on the geostationary orbit after reaching agreement on some aspects of the GSO, particularly in regards to facilitating equitable access to the orbit and associated frequencies. This is a major accomplishment for the Subcommittee, in that it brought to closure, on the basis of consensus, debate that had taken place for two and a half decades. The recommendations contained in the Subcommittee's report are an important expression of the views of Member States concerning this limited natural resource. At the same time, however, we believe that the basic instruments of the International Telecommunications Union (its Constitution, Convention and Radio Regulations) - and implementation of these treaties by ITU Member States are sufficient to preserve the prerogatives of all Governments and to assure equitable access to the radio frequency spectrum and orbit resource.

It is a fact that the world is far from general acceptance of the four core space law instruments: the Outer Space Treaty, the Rescue and Return Agreement, and the Liability and Registration Conventions. Several key States have not accepted key treaties, including some members of COPUOS. This Committee should make a clear call

for States to consider seriously adhering to the four core space law instruments cited above.

A second point concerns the need for States that have accepted the core instruments to look at what they are doing to implement them. Parties must ensure that they are indeed doing what they have promised they will do. There is little point in States adhering to the treaties if they cannot implement their obligations through effective national action when required.

This year marks the second phase of a three-year process to examine the concept of the launching state as contained in the Liability Convention and the Registration Convention as applied by States and international organizations. This new agenda item illustrates the kind of work that the Subcommittee should be pursuing and we look forward to the discussion that will be taking place later in the session.

Turning to the subject of orbital debris, my delegation would like to share its thoughts on this important matter. The U.S. is pleased with the progress that has been made in the STSC. From the US perspective, our goal is to achieve widespread international adoption and implementation of voluntary debris mitigation practices as expeditiously as possible. We believe there are

effective steps we can take now both nationally, and in COPUOS, that will move us toward this goal.

With the belief that we share common objectives, we worked closely with delegations in the STSC to arrive at a consensus on how to proceed. The Interagency Space Debris Coordinating Committee (IADC) has taken on the action of seeking consensus within the IADC on standard practices, with the goal of combining the best of the standards currently proposed and ensuring these practices are compatible with national standards. We have discussed the amount of time required to complete this action, and believe that if all of the IADC members treat this as a priority issue, the group can realistically reach consensus at its 2002 meeting. For our part, we will make this activity of the IADC a priority and strive to meet this date.

The IADC is, in our view, the most appropriate forum to undertake this technical work. However, the IADC represents only a portion of the space-faring community. To achieve a goal of widespread adoption of debris mitigation practices, we have proposed that the STSC review the outcome of the IADC deliberations. Specifically, assuming the IADC reaches consensus on debris mitigation practices in 2002, we intend to propose that the

STSC review those practices when it addresses debris at its fortieth session in February 2003, with the goal of endorsing the use of these practices by all nations. Since we assume nations would need time to consider the proposed practices, such endorsement could perhaps be achieved in 2004.

Some of our colleagues have indicated a desire to move this topic to the Legal Subcommittee, either to address particular legal questions, or to move toward principles concerning orbital debris. The US does not favor such a step at this time. If we can all agree on practices, an endorsement by the Committee on Peaceful Uses of Outer Space stating the desirability of following such practices may achieve our goal. Alternatively, a UN Resolution devoted to this topic may achieve our goal. Again, we are open to future consideration of these approaches and others, subject to completion of these near-term next steps in the STSC.

We are pleased that the Legal Subcommittee will be considering a new convention and protocols for the registration of security interests in high value mobile equipment, including aircraft, rail, and space property, under development at the International Institute for the Unification of Private Law (UNIDROIT). This is an

important international agreement that deserves whatever support the Subcommittee can provide. As this session proceeds, we would be interested in discussing with other delegations the possibility of the Subcommittee examining this protocol as another single issue item or under a multi-year work plan.

Mr. Chairman, we note that the Scientific and Technical Subcommittee will consider international cooperation in limiting space advertising that could interfere with astronomy. The issue of obtrusive space advertising was discussed in the report of Unispace III and just this past year the US Congress indicated its support for an international agreement on prohibiting obtrusive space advertising. Congress has also directed the Federal Aviation Administration of the United States not to license any US commercial launch that would carry as its payload obtrusive space advertising. We would ask that delegations consider the possibility of adding this as a single issue item to our agenda for next year. The purpose of this item would be to have a one year discussion to define the legal aspects of the problem, in light of the work that will be done by the STSC at its next session and relevant international scientific organizations, as well as whether the topic deserves further attention in the subcommittee.

In addition, relevant international organizations would be invited to submit reports to the LSC or make special presentations on this topic.

Mr. Chairman, with respect to the proposal of some delegations for the convening of an ad hoc informal open-ended working group to consider the appropriateness and desirability of developing a universal comprehensive international space law: we note that the convening of an ad hoc group at this session was not agreed for the agenda of this session and that the formulation of such a group is not contemplated by the Subcommittee's practice or procedures. Moreover, we remain unconvinced that it is wise for this Subcommittee to take up this proposal in its current form or otherwise, in view of the General Assembly's direction that we seek to promote adherence with the existing treaties establishing the legal regime for outer space.

Finally, we are pleased to report that, as called for by the Intergovernmental Agreement for the International Space Station (ISS), the ISS Partners have agreed to a Crew Code of Conduct for the Space Station Crew. In accordance with the agreed procedures of the partnership, the cooperating space agencies negotiated the text of the Crew Code of Conduct and each Partner completed its internal

procedures to accept the text. The Partners confirmed their acceptance of the text at the space agency level at a Multilateral Coordination Board meeting in September 2000, and each government provided its acceptance via separate correspondence prior to the launch of the first ISS Expedition crew on October 31, 2000. A summary of the process and key components of the Code of Conduct were presented at an intergovernmental meeting among the ISS partners in Berlin in December 2000. As contemplated by the ISS agreement, the Crew Code of Conduct covers such topics as the chain of command on-orbit, the relationship between ground and on-orbit management, standards for work and activities in space, and authority of the Commander.

Thank you for your consideration. It is a pleasure for me to be here.