

**Agenda Item 8 – National legislation relevant to the
peaceful exploration and use of outer space
Statement by the U.S. Representative to the Legal Subcommittee
Emily R. Pierce
April 5, 2022**

Thank you, Chair. The United States wishes to reply to the statement by the Russian Federation under agenda item 8, which we believe may cause confusion or misunderstanding regarding current U.S. policies, as well as our international obligations and commitments.

Chair, as the 2021 Interim National Security Strategic Guidance issued by the U.S. National Security Council makes clear, the United States intends to “explore and use outer space to the benefit of humanity, and ensure the safety, stability, and security of outer space activities.” And, as further detailed in the U.S. Space Priorities Framework, issued in December 2021, the United States supports a timely and responsive regulatory environment. U.S. regulations must provide clarity and certainty for the authorization and continuing supervision of non-governmental space activities, including for novel activities. We continue to focus on efforts to ensure U.S. national activities are conducted in accordance with international law.

At the same time, in order for outer space activities to continue to flourish, States must promote a safe, stable, secure, and sustainable outer space environment. The United States strongly believes that confrontation or conflict in

outer space is not inevitable. In the U.S. Space Priorities Framework, the United States reflects its ongoing commitment to international law by pledging that U.S. national security space operations will continue to comply with applicable international law while demonstrating leadership in both the responsible use of space and stewardship of the space environment.

In addition to these national policies, the United States publishes information on its strategies relating to space security, and, as with all professional military forces, develops doctrines and strategies. The U.S. Department of Defense also provides additional information reflecting its relevant defense policy, military strategies and doctrines for space activities. The U.S. military makes these publications available publicly in the interest of building a climate of trust and confidence between States worldwide on military and non-military matters. The United States is also prepared to discuss these military strategies and doctrines in the appropriate multilateral fora, particularly the Conference on Disarmament and the UN Disarmament Commission. We encourage all States to similarly make available their military space strategies and doctrines for discussion in these fora, as well as the Open-Ended Working Group on “Reducing space threats through norms, rules and principles of responsible behavior” established pursuant to UN General Assembly resolution 76/213.

Chair, while on state spuriously accuses others of weaponization, only one state in the last year has carried out a reckless, dangerous test of a ground-based anti-satellite system. While this destructive test was, of course, relevant to our discussion on orbital debris in light of the huge amount of debris created, the United States reiterates that there are more appropriate UN forums to address these security issues. Such matters are more appropriately discussed in groups the mandates of which specifically focus on those issues, such as the Conference on Disarmament, the UN Disarmament Commission, and the UN General Assembly First Committee on Disarmament and International Security.

Chair, regarding the Artemis Accords, the United States welcomes the opportunity to discuss this instrument in an open and transparent way. The Artemis Accords provide legally non-binding implementation guidance for the Outer Space Treaty of 1967, reinforce existing obligations under the Registration Convention and the Rescue & Return Agreement, and establish principles of responsible behavior such as the full, free, open, and timely release of scientific information. The purpose of the Accords is to establish a common framework to guide space exploration cooperation among nations participating in the Artemis program. The framework, which is firmly rooted in our obligations under the Outer Space Treaty and other international law, is intended to increase the safety of operations, reduce uncertainty, and promote sustainable and beneficial use of space

for all of humanity. The Artemis Accords reflect the signatories' mutual commitments to a set of principles for Artemis cooperation and represent a high-level, legally non-binding, political commitment.

With respect to Section 9 of the Accords, the preservation of outer space heritage, this principle reflects the signatories' mutual intent to preserve outer space heritage in accordance with mutually developed standards and practices. In addition, the signatories intend to use their experience under the Accords "to contribute to multilateral efforts to further develop international practices and rules applicable to preserving outer space heritage." All preservation efforts will be done – as is clear in Section 3 of the Accords – in accordance with relevant international law, including the non-appropriation principle.

COPUOS, of course, has a role in shaping an international framework for the principles discussed in the Artemis Accords. Whenever there is an emerging consensus among technical experts, we seek to engage established and emerging space-faring nations through multilateral forums, such as the Committee. The Committee has demonstrated that it can play an important role in developing best practices based on inputs from technical experts working in the space sector. For example, COPUOS was successful in reaching a consensus on Orbital Debris Mitigation Guidelines and on the preamble and 21 guidelines for the long-term

sustainability of outer space activities. Just as we share information through COPUOS on national implementation of the 21 guidelines, we look forward to engaging through COPUOS to share lessons learned in implementing the Accords with UN member states and the broader international community.

Lastly, those of you who have been following these issues for several years know that the U.S. Congress enacted the Space Resource Exploration and Utilization Act in 2015 in order to offer some measure of legal certainty to U.S. firms. Former U.S. State Department Legal Adviser, Brian Egan, and past U.S. representatives to the Legal Subcommittee, have elaborated on this Act, but in light of the apparent confusion, I will provide some further clarification. Rather than abrogating the United States' international obligations, the Space Resource Utilization Act affirms that space resource utilization activities are subject to the United States' international obligations. By its terms, the Act sanctions space resource utilization only "in manners consistent with the international obligations of the United States." As I stated in our statement under agenda item 15, the United States recognizes that the Outer Space Treaty does not provide a comprehensive international regime for space resources utilization activities. While we also, at this stage, see neither a need nor a practical basis to create such a regime, we also recognize that there is strong international interest in discussing

these issues in greater detail. We welcome the opportunity to do so, and hope all members participating in the space resources working group can support the proposed workplan put forward earlier today by the Chair and Vice-Chair.

Thank you, Chair.