

AGENDA ITEM 5

GENERAL EXCHANGE OF VIEWS

STATEMENT BY MARK SIMONOFF, U.S. REPRESENTATIVE TO THE 46TH SESSION OF THE LEGAL SUBCOMMITTEE OF THE UN COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE,

APRIL, 2008

Mr. Chairman, I would like to begin by congratulating you on your election as Chairman of this Subcommittee. This Subcommittee has made and will continue to make important contributions to the refinement and development of outer space law under your leadership.

It is a pleasure to be here in Vienna to meet with this distinguished group of legal experts. The Subcommittee's last session was a very productive one, and we look forward to continued progress in addressing issues of practical concern to all of us. COPUOS and this Subcommittee have a distinguished history of working through consensus to develop space law in a manner that promotes, rather than hinders, the exploration and use of outer space for peaceful purposes. In particular, this Subcommittee should be commended for its role in establishing the core Outer Space Treaties -- the Outer Space Treaty, the Rescue and Return Agreement, and the Liability and Registration Conventions. Under the legal framework of

these treaties, use of space 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.

This session is also an opportunity for us to consider the fact that many States have not acceded to the four core treaties, including some members of COPUOS. This Subcommittee should invite States and international organizations to consider ratifying and implementing the four core space law instruments cited above. And, of course, it should encourage States that have accepted the core instruments to look at the sufficiency of their respective national laws to implement them.

Before turning to the work of the Subcommittee for this session, I would like to comment briefly about recent space-related activities in the United States.

On February 20 of this year, a specially modified tactical missile fired from a United States naval vessel engaged a non-functioning National Reconnaissance Office satellite. This satellite, which had been registered with the UN Secretary General with the international designator of USA-193, was in its final orbits before making what would have been an uncontrolled re-entry into the Earth's atmosphere. The objective of the

operation –which was successful – was to rupture the fuel tank to dissipate the approximately 453 kilograms of the highly toxic propellant fuel, hydrazine.

Due to the satellite’s failure shortly after launch, U.S. experts had determined that the toxic propellant had frozen, would probably survive re-entry, and could have posed a unique hazard to people on Earth. After assessing these estimates, the President of the United States made the decision to engage the satellite. He did so in the interest of mitigating the risk to human life from the toxic hydrazine fuel onboard.

At the conclusion of this operation, the United States Navy removed the special modifications that were made to the two remaining tactical missiles and three naval vessels. The U.S. has no plans to adapt any technology from this extraordinary effort for use on any current or planned weapon system.

Almost all of the resulting debris from the engagement has fallen to Earth, but to our knowledge no debris has survived the reentry.

Prior to the engagement, on February 14, 2008, the United States provided a notification to the Secretary General of the United Nations, the Scientific and Technical Subcommittee (STSC) of the Committee on the Peaceful Uses of Outer Space, other UN bodies, and Governments throughout the world. This detailed notification informed recipients that the President of the United States had authorized the U.S. Department of Defense to attempt the engagement and explained the reasons for the engagement. It also noted that the Liability Convention provides that a party will be “absolutely liable” for damages “caused by its space object on the surface of the Earth or to aircraft in flight,” and stated that the United States is a party to that convention, so any U.S. liability to other treaty parties would be determined in accordance with its terms. The notice also provided that should there be any recoverable debris or component parts that land on the territory of a foreign government, the United States may wish to recover them in accordance with Article 5 of the Rescue and Return Agreement. Finally, the notification provided that all U.S. actions regarding this matter will be consistent with the provisions of the Outer Space Treaty.

The United States also issued a notification to the Secretary General, the STSC, other UN bodies, and Governments throughout the world the day after the successful engagement.

With regard to the U.S. civil space program, the Constellation project, the system that will eventually be used to return humans to the lunar surface before 2020, is moving ahead and will see its first flight tests in early 2009. NASA unveiled further details about its plans for an “open architecture” lunar outpost – one that maximizes opportunities for international participation. And an important step in realizing a comprehensive global approach to exploration came with the May 2007 release by NASA and 13 other space agencies from around the world of "The Global Exploration Strategy: The Framework for Coordination," which reflects a shared vision of space exploration focused on solar system destinations where humans may someday live and work. To advance this vision, these agencies agreed in November 2007 on the establishment of an International Space Exploration Coordination Group through which individual agencies may exchange information regarding interests, objectives, and plans in space exploration with the goal of strengthening both individual exploration programs as well as the collective effort.

There were several Space Shuttle missions to the International Space Station (ISS) to continue station assembly. STS-117 visited the ISS in June, STS-118 in August, and STS-120 in October. STS-122 was launched in

early February of this year to deliver the European “Columbus” laboratory to the ISS. On March 11, STS-123 was launched to deliver the Japanese Experiment Logistics Module and the Canadian robotic dextrous manipulator. Following STS-123, there will be three more Space Shuttle missions to the ISS in 2008, with payloads including Japan’s laboratory module and its robotic manipulator system. An additional Space Shuttle mission is planned for 2008 to carry out the final servicing of the Hubble Space Telescope. In 2007, the Hubble Space Telescope continued to make unprecedented observations of instances of and distribution of dark matter in the universe. The Spitzer Space Telescope captured the light from two known planets orbiting stars other than our Sun -- the first time extrasolar planets have been directly measured and compared. One of the two STEREO spacecraft observed the collision of a comet with a solar “hurricane,” in which a coronal mass ejection from the Sun completely detached the tail of Encke’s comet. NASA’s Mars Exploration Rovers, Spirit and Opportunity, have passed their fourth anniversary on Mars and continue their remarkable journeys. NASA’s New Horizons mission to Pluto passed by Jupiter for a gravity boost to cut three years off its transit time to Pluto, gave us the closest look yet at Jupiter’s “Little Red Spot,” and observed volcanic eruptions on Jupiter’s largest moons.

Here on our home planet, NASA's Tropical Composition, Cloud, and Climate Coupling (TC4) research campaign combined simultaneous observations from satellites, aircraft, and balloons to observe how chemical compounds in the air are transported vertically into the stratosphere and how that transport affects cloud formation and climate. This research into a largely unexplored region of the Earth's atmosphere yielded new insight into the formation of tropical storms. Finally, in preparing for the next wave of scientific discovery, NASA launched the THEMIS mission of five satellites to probe geomagnetic storms, the AIM mission to observe those mysterious ice clouds at the edge of space in the polar regions and their relation to climate change, the Phoenix mission to Mars' north polar region (expected to land this May), and the Dawn exploration mission to asteroids Ceres and Vesta.

On June 15, 2007, the GOES-9 satellite, operated by the National Oceanic and Atmospheric Administration (NOAA), was decommissioned after 12 years of service. The GOES-13 satellite was put into on-orbit storage in January 2007, after completing its post-launch check-out and is serving as the on-orbit back-up for NOAA's two operational GOES satellites. As reported last year, as part of the U.S. contribution to the international Global Earth Observation System of Systems (GEOSS),

NOAA repositioned a geostationary satellite, GOES-10, over South America to provide better meteorological coverage for that region. Since GOES-10 arrived at 60°W in early December 2006, it has been providing South America with data that has greatly improved weather forecasting in that region. Brazil and Argentina are using this data in building forecast models and are making the data and products from the satellite available on their web sites. NOAA has sponsored workshops and training on the use of the data from the spacecraft and is planning a series of additional training opportunities. The improved weather forecasting, severe weather warnings, and forecast models that GOES-10 has made possible for South America are a clear demonstration of the value of this type of international cooperation envisioned by GEOSS.

The U.S. Geological Survey (USGS) of the U.S. Department of the Interior (DOI) continues to operate the Landsat-5 and -7 satellites and make their data available to users worldwide. NASA is developing the Landsat Data Continuity Mission (LDCM), scheduled for launch in 2011, which will also be operated by the USGS.

The United States is prepared to build upon its rich history of international cooperation to achieve its goals in space exploration.

Consistent with guidance in our National Space Policy, the United States is also prepared to pursue other forms of international cooperation with foreign nations and international consortia on space activities that are of mutual benefit and that further the peaceful use of space. Potential areas for expanded cooperation include the provision of U.S. space surveillance information to satellite operators as well as the development and operation of new Earth-observation systems.

As we proceed with our work at this session, Mr. Chairman, I would like to reflect once again on the extraordinary record of success this Subcommittee has had in advancing the field of space law. I believe that much of the success is due to this Subcommittee's ability to focus on practical problems and to seek to address any such problems via a consensus-based and results-oriented process. We should aim in our discussions to continue that tradition and to avoid the temptation to focus on theoretical rather than practical issues. In addition, the Subcommittee's success may be attributed to its avoidance of protracted debate on extraneous political issues.

Thank you for your consideration. My delegation looks forward to a productive and collegial session.