

Agenda Item 8 – Report of the Legal Subcommittee
Statement by Emily Pierce
June XX, 2024

The debate at the 63rd session of the Legal Subcommittee reflected that international law remains a vital tool for facilitating the growth of safe, sustainable, and transparent activities in outer space. The exploration and use of outer space for peaceful purposes by States, international organizations, and private entities thrives under the legal framework of the four core – and widely accepted – treaties on outer space, which include the Outer Space Treaty, Rescue and Return Agreement, Liability Convention, and Registration Convention.

Meeting our international obligations to authorize and supervise the activities of non-governmental U.S. actors in outer space remains fundamental. That's why we were pleased to update the Legal Subcommittee on the United States Novel Space Activities Authorization and Supervision Framework released by the National Space Council in December 2023. This Framework outlines several actions the U.S. government is working to implement so that our regulatory regime is *even more* capable of growing and evolving in response to technological advancements and increasingly complex missions, without hindering innovation. We were also pleased to share information in technical presentations about the Federal Communications Commission's recent regulatory enforcement efforts related to space debris, and the Department of Commerce's vision for Global Space Situational Awareness Coordination released on April 8.

While we are making important progress domestically, many of the contemporary challenges space-faring States face cannot – or should not – be met alone. International cooperation, and specifically the multilateral work of the Legal Subcommittee, continues to be critical to further our understanding regarding the application of international law to current and future space exploration and other activities. The United States recognizes the efforts of Santiago Ripol Carulla of Spain in chairing the Subcommittee, as well as those of the United Nations Office for Outer Space Affairs, for its support in facilitating this work.

Specifically, the Working Group on Legal Aspects of Space Resource Activities held a successful conference during the session to collect information from stakeholders about the legal framework and information sharing relevant to space resource activities. These inputs – together with inputs that were collected at the preparatory expert meeting co-hosted by Luxembourg and Belgium in March 2023 – should be considered by the Working Group in the development of an initial set of recommended principles for space resource activities. The presentations made at these two events demonstrate that the Working Group should focus its efforts on the practical issues facing humanity in these early days of exploring the resources available in the solar system. The Working Group usefully decided upon an informal timeline for advancing its work for the next year, and we encourage all Committee members to share or update their views through written contributions to the Working Group.

In addition, the Working Group on the Status and Application of the United Nations Treaties on Outer Space, ably chaired by Franziska Knur of Germany, engaged in a fruitful exchange of views on the implementation of Article XI of the Outer Space Treaty and information sharing related to space activities. During the discussion, the United States and other Artemis Accords Signatories shared that, in October 2023, Signatories announced their intent to provide certain lunar mission data parameters to the United Nations, consistent with our obligations under Article XI. We also shared that the United States followed this coordinated approach when submitting information to UNOOSA on April 8 for scientific payloads that were carried on commercial spacecraft earlier this year under the NASA Commercial Lunar Payload Services project. We are looking forward to continuing the Article XI dialogue, including in relation to possible voluntary tools to assist States Parties in its implementation, in 2025.

Chair, it is important to note our great disappointment that the Subcommittee could not reach consensus on a report reflecting the substantively rich and constructive debate during the 63rd session. Meeting reports should continue to be accurate and fair representations of the formal debate held during the session, and it is critical that we not give in to the attempts of some to rewrite history. We thank the Secretariat for preparing the procedural report that was adopted on the basis that it would not serve as a precedent for future Subcommittee reports, and strongly urge all Members to support the inclusion of the Legal Subcommittee Working Group reports in the report of this Committee.