

Statement to the Conference on Disarmament
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February 13, 2007

Prevention of an Arms Race in Outer Space

Madame President,

I take the floor today to contribute to the discussion on the issue of Prevention of an Arms Race in Outer Space (PAROS). Let me begin by saying a few words about United States space policy, about which much has been said - much of it inaccurate - and how U.S. space policy relates to efforts on the part of a few to prevent an arms race that does not exist. The United States' space policy articulates a number of substantive objectives: the primary one is to ensure that we maintain and enable free access to and use of space for peaceful purposes for the United States and all nations of the world - and for the benefit of all mankind. Our policy also mandates the pursuit of programs and capabilities to ensure that our space assets are protected. Put simply, these assets are vital to our national security, including our economic interests, and must be defended. Similar concerns have been raised by our colleagues here yesterday.

As a number of our colleagues have pointed out, there already exists a number of treaties and conventions that establish a regime for the peaceful use of outer space. We note that many nations represented here within the CD itself have not signed on to all these conventions. We believe universalization of these conventions is a much more practical and effective step towards guaranteeing the peaceful use of outer space.

And indeed, we must be very concerned about the emerging threats to our space assets. This emerging threat applies to all space-faring nations. It is of special note given the outcome of the intentional destruction of a satellite on January 11. The United States has already expressed its concerns about this event, but it is appropriate to comment about the January 11 event here because of the long-standing proposals made in this forum for an international legal agreement on, among other things, the prevention of the threat or use of force against space objects. The United States confirmed through its space tracking sensors that the January 11 event created hundreds of pieces of large orbital debris, the majority of which will stay in orbit for more than 100 years. A much larger number of smaller, but still hazardous, pieces of debris were also created.

The United States is concerned about the increased risk to human spaceflight and space infrastructure as a result of this action, a risk that is shared by all space-faring nations. The United States and many other nations have satellites in space in conformity with international agreements that provide for their national security, and foreign policy and economic interests.

There is an inherent contradiction between the political efforts in this Conference vis a vis outer space, as well as the work on mitigation of space debris in the UN Committee on the Peaceful Uses of Outer Space (COPUOUS) and the Interagency Space Debris Coordination Committee, on the one hand, and the action taken on January 11. Indeed, the avoidance of intentional creation of long-lived space debris is one of the points included in the debris mitigation guidelines that the COPUOUS Science and Technology

Subcommittee plans to adopt this year. All space-faring nations deserve an explanation for the discrepancy between these international endeavors and the action taken on January 11.

The January 11 test of an anti-satellite (or ASAT) weapon reminds us that a relatively small number of countries are exploring and acquiring capabilities to counter, attack, and defeat vital space systems, including those of the United States. These capabilities include jamming satellite links or blinding satellite sensors, which can be disruptive or can temporarily deny access to space-derived products. Kinetic or conventional ASAT weapons – or electro-magnetic pulse weapons – can permanently and irreversibly damage or destroy a satellite and create vast amounts of orbital debris.

Just as the United State reserves the right to protect its infrastructures and resources on land, so too do we reserve the right to protect our space assets. This principle was first established for the United States by President Eisenhower and is also enshrined in the 1967 Outer Space Treaty. Consistent with this principle, the United States views the purposeful interference with its space systems as an infringement on our rights, just as we would view interference with U.S. naval and commercial vessels in international waters as an infringement on our rights.

I emphasize that, by maintaining the right of self-defense, the United States is not out to claim space for its own or to weaponize it. Our policy is not about establishing a U.S. monopoly of space, as some have asserted. Even a cursory reading of our new space policy statement demonstrates just the opposite. There is significant emphasis on international cooperation throughout our National Space Policy. International cooperation is identified as both a U.S. space policy principle and goal. International cooperation is also emphasized in the other related policy directives, such as President Bush's Commercial Remote Sensing Space Policy and the January 2004 Vision for Space Exploration. This embracing of international partnerships reflects the U.S. policy of pursuing scientific, economic, and international cooperation based on participants' capabilities, expertise, and interest. This approach has led to a high degree of cooperation between our National Aeronautic and Space Administration and its international partners, many of whom are represented here today, a result we view as very positive.

Critics, however like to claim that our National Space Policy ignores or downplays U.S. international legal obligations and that the Administration's opposition to space arms control may spur an arms race in space. Let me state it clearly and to the point: the President's space policy does not advocate, nor direct the development or deployment of weapons in space.

Nonetheless, we are told that there must be a ban to prevent weapons in space. We have some experience in that regard. For many years the U.S. engaged in such talks with the Soviet Union to no avail, largely because no one then, or now for that matter, could formulate an agreed definition of what is meant by "space weapon." What is often meant is whatever the U.S. may be exploring in terms of ballistic missile defenses in space, but not weapons on the ground that would attack satellites in space. And without a definition, one is left with loopholes and meaningless limitations that endanger national security.

Some assert that the recent test of an ASAT weapon, which has drawn so much international attention and concern, constitutes a further reason to pursue outer space arms control, as some have proposed. The U.S. submits that they have drawn the wrong conclusion. It is regrettable that some countries' attempts to link important issues like the Fissile Material Cutoff Treaty and PAROS have contributed to tying up movement in the CD for years. It is also regrettable that China has conducted this ASAT demonstration, endangering hundreds of satellites with the resulting debris. And it is regrettable that China continues to call for an arms control arrangement which, if its recent behavior is any indication, would not ban its ASAT activities nor address the fears its actions have stoked. The system that was tested January 11 was not based in space, but launched from the ground. PAROS, as we have usually discussed it in this Conference, would not ban such a weapon. Indeed, China has claimed that this ASAT weapon test was consistent with long-standing support for PAROS. Despite the ASAT test, we continue to believe that there is no arms race in space, and therefore no problem for arms control to solve.

Some say that outer space arms control should be extended to ban all ASATs, including those terrestrially based, but years of discussions in this area have failed. In the 1970s, the United States engaged in ASAT arms control negotiations with the Soviet Union. They failed for a number of reasons, including the determination that effectively verifying compliance was unattainable due to definitional problems and the difficulty of determining what constitutes an ASAT. Negotiations became stymied over questions related to which so-called "space weapons" capabilities should be limited – co-orbital interceptors, direct-ascent interceptors, ground-based, or just space-based directed-energy systems. The Soviet Union wanted to define the U.S. Space Shuttle as an ASAT weapon and ban it. It was also recognized that satellites already on orbit are capable of being maneuvered to destroy satellites simply by physically colliding with them. Beyond these issues of definition and scope, it became clear that there was an unacceptable risk of "breakout" from the agreement from which the states parties could not rapidly recover.

In the 1980s, the U.S. again examined the feasibility of ASAT arms control and found it wanting. A third U.S. Administration in the mid-1990s declined to negotiate a legally binding agreement on outer space arms control here in the CD because, as we have made clear many times, the existing legal regime is sufficient.

Central to the existing legal regime is the Outer Space Treaty, drafted almost 40 years ago. A quick look at some of the Treaty's key provisions shows that, with the advent of commercial space activities, this document has become even more applicable today than when it was first drafted. Encompassed within the Outer Space Treaty are the guiding principles for space operations by which all nations should conduct themselves.

These principles include, for instance, that space shall be free for all to explore and use; space activities shall be carried out in accordance with international law, including the Charter of the United Nations, which guarantees the right of self defense; and States Party bear responsibility for the activities carried on by governmental and non-governmental entities. The Treaty also prohibits placing weapons of mass destruction in orbit and prohibits the parties from interfering with the assets of other parties. We note in particular the importance of this non-interference provision in light of the recent ASAT weapon test.

Beyond the Outer Space Treaty, the United States is also Party to a number of conventions designed to provide for cooperation in space and to promote an understanding of the responsibilities associated with being a space-faring nation. These include: the Convention on International Liability for Damage Caused by Space Objects; the Convention on Registration of Objects Launched into Outer Space; the Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space; and the Hague Code of Conduct against Ballistic Missile Proliferation (HCOOC).

Despite this long-standing and effective international space treaty regime, centered on the Outer Space Treaty, there are those who advocate negotiating new multilateral agreements that we believe to be unnecessary and counterproductive. We do not need to enter into new agreements. Rather, we should be seeking to gain universal adherence to, and compliance with, existing agreements.

We should focus our efforts on ensuring free access to space for peaceful purposes and deterring and dissuading the misuse of space, seeking universal adherence to the existing treaties and conventions to which not all members have signed up to. This is precisely what the U.S. National Space Policy states. We believe this approach will have more of a deterrent and dissuasion effect than an additional set of international constraints – constraints that would be unverifiable, protect no one, and constrain only those who comply and not those who cheat.

In closing, let me say that our interest is to continue to expand the use of space for peaceful purposes. Our advances in space in the fields of communication, medicine, and transportation, as well as many other areas, have come to benefit all of mankind, including citizens of countries that have not yet ventured into space. For the United States, that means continuing our tradition of pursuing diplomatic efforts to gain the broadest possible appreciation for the benefits that all nations receive from the peaceful uses of outer space.

Thank you, Madame President.