



STATEMENT OF THE G-77 AND CHINA DURING THE FIFTY-FIFTH SESSION OF THE LEGAL SUBCOMMITTEE OF THE UNITED NATIONS COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE, 4-15 APRIL 2016, DELIVERED BY H.E. AMBASSADOR SIMON MADJUMO MARUTA, PERMANENT REPRESENTATIVE OF NAMIBIA

Monday, 4th April 2016

Agenda Item 4: GENERAL EXCHANGE OF VIEWS

Mr Chairman,

1. On behalf of the Group of 77 and China, I would like to commend you on your election as the Chairman of the Legal Subcommittee of COPUOS and wish you success in the guidance of our work during this 55th session. We especially welcome a Chair national of a State member of this group that has also been member of the Group of Governmental Experts on Transparency and Confidence Building Measures in Outer Space and we fully assure you our support and cooperation for the fruitful development of this meeting.

2. The Group further takes the opportunity to thank the Director of the Office for Outer Space Affairs, Ms Simonetta Di Pippo, for her opening remarks, and the Secretariat for the excellent preparations made for this two-week session.

Mr. Chairman,

3. The Group of 77 and China underscores its firm conviction that the use and exploration of the Outer Space shall be carried out with exclusively peaceful purposes, for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and in conformity with the body of international law applicable.

4. In line with this, it reiterates its strict adherence to the principles governing the activities of States in the exploration and use of Outer Space, including:

- a) Universal and equal access to outer space for all countries without discrimination, regardless of their level of scientific, technical and economic development as well as the equitable and rational use of the Outer Space for the benefit of all mankind.
- b) The principle of non-appropriation of outer space, including the moon and other celestial bodies, which cannot be appropriated by any State, by claiming sovereignty, use, occupation or any other form.
- c) The commitment by States to the strict use of outer space for peaceful purposes.
- d) The non-militarization of outer space, which shall never be used for the installation of weapons of any kind, and as a common heritage of mankind, its strict use for the improvement of living conditions and peace among peoples that inhabit our planet. >
- e) International cooperation in the development of space activities.

5. We are convinced that the role of the United Nations treaties and principles on outer space provide the basis for regulating outer space activities, however we are likewise well aware that there is still much work to be undertaken to warrant a safe and sustainable environment. In this regard, we reiterate that COPUOS and its two Subcommittees is the adequate forum to discuss matters related to the peaceful uses of outer space including the moon and other celestial bodies and that interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee should be strengthened in order to adjust the development of space law to the major scientific and technical advances in the area. The Group is of the view that this coordination and synergies between the two Subcommittees would also promote

understanding, acceptance and a real implementation of the existing United Nations legal instruments.

6. In this vein, we celebrate all the efforts carried out within the Working Group on the Long-Term Sustainability of Outer Space Activities in the Scientific and Technical Subcommittee, under the chairmanship of Mr. Peter Martinez of South Africa. The Group considers that this is an important issue that should be followed up by this Subcommittee from a legal perspective, in order to contribute collectively to make space activities more secure and safe for all space actors and simultaneously ensure that all countries are able to have equitable access to the limited natural resources of outer space.

7. The Group reaffirms the importance of preventing an arms race in outer space, with an appropriate and effective verification and we call upon all States, in particular those with major space capabilities, to contribute actively to the peaceful use of outer space to prevent an arms race there and to refrain from actions contrary to that objective. In this regard, we note that transparency and confidence-building measures could play a useful role. The Group believes that preservation of outer space in the long-term requires the international community to ensure that no weapons will ever be placed there.

8. The Group of 77 and China is of the view that this Subcommittee should take into consideration the outcomes of that discussion to avoid any measures that would limit access to outer space by nations with emerging space capabilities. The Group is of the view that the international legal framework should be further developed to address concerns of all States, to refrain from setting up overly high standards or thresholds for outer space activities in a way that may hinder the enhancement of capacity building of developing countries. In this regard, the Group emphasizes the need to devote more efforts for legal capacity building and make the required expertise available to developing countries.

Mr. Chairman,

9. The year 2018 will mark the fiftieth anniversary of the first UNISPACE conference, held in Vienna, in 1968. UNISPACE+50 will be a good opportunity to chart the future role of the Committee, its Subcommittees and the UN Office for Outer Space Affairs and to take stock of the contributions of the three previous UNISPACE conferences (UNISPACE I, II and III).

10. In accordance with the proposal presented by the Steering Committee in document A/AC.1105/L.297, COPUOS and its subsidiary bodies, at their respective sessions in 2018, are to address UNISPACE+50 as the overarching theme under their respective agendas, within the framework of the thematic priorities identified in 2016, and building upon the following cross-cutting areas: Governance, Capacity-building, Resiliency, Interoperability, Space and Sustainable Development. In this context, the G-77 and China attaches great importance to international cooperation, capacity building and technical assistance.

11. This Group is willing to be able to contribute to the process leading up to UNISPACE+50 and in this line Argentina, member of this Group, organized the symposium "Challenges to International Law on the threshold of UNISPACE+50", to be held on Friday 8 April in the lunch time followed by a reception. This and similar initiatives will definitely be useful platforms to discuss thematic priorities towards 2018.

Mr. Chairman,

12. Developing countries are increasingly and deeper engaged in space activities and in the discussions of COPUOS. While several Member States of this Group have achieved important milestones in space activities, others are starting to include space activities into their national programs. This fact demonstrates our awareness of the potential, importance and impact that space activities have and how relevant they are for reaching the 2030 Development Goals.

13. In connection with that, we consider that it is imperative to duplicate efforts to extend to all States the benefits derived from outer space activities and to enhance international cooperation as a vital means to

promote a wider and more active involvement in outer space activities of the members of this Group. In addition, capacity building is a key factor in the expansion of the abilities of those working in the field, permitting them to gain expertise and knowledge from those well-experienced.

Mr. Chairman,

14. We are convinced that this Subcommittee has a historic mission that must be underscored and valued. This is the reason why the G-77 and China believes that the Legal Subcommittee should be granted new impetus, enriched with further debates in order to be able to fulfill adequately its mandate as the negotiating body for international space law.

15. Several of the issues to be discussed during this session are of paramount importance to developing countries: definition and delimitation of outer space, geostationary orbit, capacity building and application of international law to small satellites, among others. The Group is willing to engage in the discussions during this session of the Legal Subcommittee and will express its views under specific agenda items.

Thank you Mr. Chairman.

AGENDA ITEM 6: STATUS AND APPLICATION OF THE FIVE UNITED NATIONS TREATIES ON OUTER SPACE:

1. We are of the view that a wide adherence to the United Nations treaties contributes to create a safe and secure atmosphere for the development of outer space activities and enhances the effectiveness of COPUOS as the main law-making body. We therefore note with appreciation the growing number of parties to the treaties and encourage those States that have not yet become parties to them to consider doing so.

2. Space Science and its applications have evolved drastically during the last decades and still remain evolving by leaps and bounds. This reality calls for identifying areas to be addressed in supplementary instruments to those already in force, ensuring that the core principles already agreed upon remain intact and with a binding nature.

3. Regarding the progress made by the Working Group on this issue, the Group of 77 and China would like to commend the outgoing Chair of the Working Group, Mr. Jean-Francois Mayence for his tireless efforts in moving the discussions in the Working Group forward and we welcome Mr. Bernhard Schmidt-Tedd as the incoming Chair, wishing him success in his chairmanship.

4. We consider that the set of questions provided by the Chair is a good basis to consider issues related to the application and implementation of the UN treaties and that responses provided by States and international governmental and non-governmental organizations are of a huge value. In this vein, we are of the view that the working group should continue its work on the basis of these and further contributions, identifying weaknesses of the current legal framework and areas where more clarifications or a uniform interpretation need to be sought.

5. The process leading up to UNISPACE+50 will definitely be a good catalyst for identifying thematic priorities that deserve the attention of this Subcommittee and that will contribute to the development of space law. Addressing challenges to humanity and sustainable development, protecting the space environment and securing the long term-sustainability of outer space activities all require further work, not only from a scientific and technical but from a legal perspective as well. This is why we encourage this Subcommittee to get involved in the work of the Scientific and Technical Subcommittee in this field and that more efforts are directed to a fruitful result.

6. Finally, we would like to recall that one of the key functions of the Steering Committee according to its terms of reference is to “assist States members of the Committee to identify thematic priority areas for

UNISPACE+50”, therefore, we encourage delegations to have an active participation in this task to contribute to the process leading up to 2018.

Thanks Mr. Chairman

Agenda item 7a: THE DEFINITION AND DELIMITATION OF OUTER SPACE

Mr. Chairman,

1. The Group of 77 and China would like to thank the Secretariat for preparing the documentation on the definition and delimitation of outer space, and also States for sharing information on national legislation and practices relating this issue. In addition, we would like to commend the Chair of the Working Group on Definition and Delimitation of Outer Space, Jose Monserrat Filho from Brazil, for his continuing efforts guiding our debates.

2. We consider that the definition and delimitation of outer space is a topic of paramount importance that should be kept in the agenda of this Subcommittee and that more work should be done in order to delimitate the legal regime applicable to the air and to the outer space. In this regard, we are of the idea that exchange of views with ICAO may contribute to a more comprehensive approach.

3. We firmly believe that there is a need for delimitation on the basis that the legal regimes governing airspace and outer space are different. State sovereignty over airspace is at odds with the prohibition of the appropriation of outer space or any part thereof by any means, including by claim of sovereignty.

4. Furthermore, all launches of space objects must be incorporated in the Register maintained by the United Nations Secretary-General for that purpose, but it is very difficult to define whether an object is indeed a space object in an era of technological progress and with the development of vehicles for use in space tourism and commercial sub-orbital flights. Delimitation will make it possible to ensure the practical application of the principle of freedom of exploration and use of outer space for peaceful purposes on the basis of non-discrimination and equality between States.

5. The rapid growth of the commercial space sector also requires the clear demarcation of the sphere of influence of the State and that of private business. Finally, the spatial scope of application of international treaties concerning activities in airspace and outer space must be clearly defined in order to prevent future claims by States to outer space or any part thereof.

6. For all these reasons, Mr. Chairman, the Group reiterates its willingness to continue its efforts to reach consensus with those delegations that deem unnecessary to further continue working on these issues and likewise calls upon States to cooperate to find a common ground on the topic.

Thank you Mr. Chairman.

Agenda item 7b: GEOSTATIONARY ORBIT

Mr. Chairman,

1. The Group of 77 and China firmly believes that the geostationary orbit — a limited natural resource clearly in danger of saturation — needs to be used rationally, efficiently and economically, taking into account the special needs of the developing countries and that it should be made available to all States, irrespective of their current technical capacities, ensuring equitable access to it.

2. We underscore that the geostationary orbit shall not be subject to national appropriation by claim of sovereignty, by means of use, repeated use or occupation, or by any other means, and that its utilization is governed by applicable international law, including the Outer Space Treaty and ITU instruments and

regulations.

3. Satellites placed in the geostationary orbit provide access to an important source of communication. The benefits extensive coverage that this type of satellites provides are particularly significant in light of globalization and the need to connect national communication networks. However as a finite geographical resource with the capacity to contain a restricted number of satellites, measures to ensure the sustainability of outer space activities are necessary to ensure the safety of space missions and avoid collisions.

4. With the unprecedented rate at which developed countries are employing satellites to exploit the latest technology, there has been increasing awareness of the limitations of the geostationary orbit. Despite the relatively rapid development of certain developing countries in recent years, significant disparity between the ability of developed and developing countries to utilize satellite technology generally remains.

5. Therefore, the Group is of the view that in order to develop adequate mechanisms to ensure the long term sustainability of space activities that involve the placement of space object in the geostationary orbit, it is necessary to keep this issue on the agenda of this Subcommittee and explore further measures to ensure the equitable access to it, bearing in mind that satellite application to communications provide indispensable tools to contribute more effectively to efforts to promote the development of all countries.

Thank you Mr. Chairman.

Agenda item 9. CAPACITY-BUILDING IN SPACE LAW

Mr. Chairman, distinguished delegates

1. The Group of 77 and China considers that with the increasing number of States involved in space activities, the need for effective laws and policies on space activities, not just on an international level but also on the national level, is becoming more and more apparent. One of the pillars that support the development of legal and policy frameworks at the national level is the availability of professionals able to provide services in that field.

2. Capacity-building, training and education in space law helps to promote international development and cooperation in space activities, and helps build national expertise and capacity in countries with emerging space capabilities. It also provides the means for a better understanding of the interdependent roles of science, technology and law in space activities.

3. We appreciate the directory of education opportunities created by OOSA as a useful tool to access information on educational programs offered by different universities and institutions, on the requirements, financial support, fellowship opportunities, as well as reference to educational material easily available on the internet. We consider that a regular update of this platform contributes to the dissemination of study programs on Space Law offered by many States engaged in outer space activities.

4. The successful implementation and application of the international legal framework governing space activities depend on the understanding and acceptance by policymakers and decision makers of the legal framework governing the conduct of space activities. The presence of suitable professionals, particularly in developing countries, who are able to provide legal advice and disseminate information and knowledge relating to space law is therefore dependent on adequate opportunities for education in space law and policy.

5. The last workshop organized by OOSA on space law (entitled "The Role of National Space Legislation in Strengthening the Rule of Law" and organized in 2014 in Beijing, China) was an important contribution of space law to economic and social development and the use of space-derived geospatial data for sustainable development. The Group commends the Office for its efforts in organizing workshops in cooperation with

Member States and encourages it to consider expanding the opportunities for this type of activities, especially in developing countries.

6. In this regard, we are very enthusiastic about the next workshop to be held later this year, convinced that this will be another opportunity for cooperation and exchange of information and views on relevant topics of international space law.

Thank you Mr. Chairman.

Agenda item: 14 GENERAL EXCHANGE OF VIEWS ON THE APPLICATION OF INTERNATIONAL LAW TO SMALL SATELLITE ACTIVITIES

Mr. Chairman,

1. Small satellites are becoming an important source for many developing countries and their governmental and non-governmental organizations, including universities, education and research institutes, and private industry with limited funds to join in the exploration and the peaceful uses of outer space and to become developers of space technology. However, their significant increase might possibly endanger the safety of other space missions and sustainability of space activities if they do not follow proper regulatory procedures.

2. Presently, a legal or regulatory definition of a small satellite does not exist but under the United Nations treaties, principles and resolutions relating to international space law, the term “space object” refers to satellites, launch vehicles and their component parts. For the launch and operation of satellites, certain requirements under international law exist. These include: 1. Notification and recording of the radio frequencies used by a satellite at the International Telecommunications Union (ITU); 2. Consideration of space debris mitigation; 3. Registration of a satellite with the Secretary-General of the United Nations, in accordance with the obligations under the 1976 Convention on the Registration of Objects launched in outer space.

3. The Group of 77 and China is of the view that in general, all international rights and obligations of the States with respect to big satellites are equally relevant for the conduct of space activities with the use of small satellites. UN treaties, the ITU Constitution, Convention and Radio Regulations, as well as certain non-binding instruments, such as the Space Debris Mitigation Guidelines, are the already existing legal framework to be applicable to space objects, including small satellites.

4. Due to the fact that small satellites are mainly operated by small companies or universities that are not well aware of the applicable international legal framework, in particular, issues related to reliability under the 1967 Outer Space Treaty and the 1972 Liability Convention, capacity building in space law becomes critical for States with emerging space programs, not only to raise awareness on international obligations, but also to help them to develop the appropriate national frameworks.

5. Therefore, we welcome the introduction of this new agenda item, entitled “General Exchange of Views on the Applications of International Law on small satellites activities”, as an important matter for discussion during this session of the Legal Subcommittee. The Group believes that it is important to initiate a discussion on the legal aspects of the deployment, functioning and end of life of these devices –among other aspects, in order to ensure they will contribute for the development of space activities, while preventing from becoming a new source of disruption or space debris in outer space.

Thank you Mr. Chairman.