



STATEMENT OF THE G-77 AND CHINA DURING THE FIFTY-SIXTH SESSION OF THE LEGAL SUBCOMMITTEE OF THE UNITED NATIONS COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE, 27 MARCH - 7 APRIL 2017, DELIVERED BY H.E. AMBASSADOR PILAR SABORÍO DE ROCAFORT, PERMANENT REPRESENTATIVE OF COSTA RICA

Monday, 27th March 2017

AGENDA ITEM 3: GENERAL EXCHANGE OF VIEWS

Mr Chairman,

1. On behalf of the Group of 77 and China, I would like to express our satisfaction for your successful Chairmanship of the 55th session of the Legal Subcommittee of COPUOS and assure you of our full support and cooperation for the fruitful conclusion of the current session.

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 exclusively for 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 province 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 especially those referred to in the Declaration on International Cooperation in the Exploration and Use of Outer Space for the benefit and in the interest of all States taking in particular account the needs on developing countries.

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. Activities in outer space in the last decades have radically increased. Newcomers from governmental or non-governmental entities from all around the world have shown the vast potentials of outer space but also have shown its limitations and our vulnerabilities. Because of this new reality, much work remains to be done and many subjects should be considered in the legal international framework of space activities. The Group is of the view that security and safety of outer space will be warranted if all activities in this environment are carried out in accordance with applicable international law, rules, regulations, and recommendations.

10. 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).

11. In this regard, the Group looks forward to engaging in the discussions that will take place within the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space and that the Working Group related to the thematic priority of UNISPACE+50 entitled “Legal regime of outer space and global space governance: current and future perspectives”.

Mr. Chairman,

12. Developing countries are increasingly engaged in space activities and in the discussions in the 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 affirms our recognition towards

the potential, importance and impact of space activities and their relevance for reaching the 2030 Development Goals.

13. In this connection, it is imperative to re-double the efforts to extend to all States the benefits derived from outer space activities. In order to enhance international cooperation in outer space activities, it is vital to promote a wider and more active involvement of developing countries. To this end, 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 the nations experienced in outer space activities.

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 5: 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 creating a safe and secure atmosphere for the development of outer space activities and enhancing 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. In this line, we congratulate the Bolivarian Republic of Venezuela for their accession to the Convention on Registration of Objects Launched into Outer Space and to the Agreement Governing the Activities of States on the Moon and other Celestial Bodies.

2. Space Science and its applications have evolved considerably during the last decades and continue in this trend. 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. This year, the Working Group, under the leadership of Mr. Bernhard Schmidt Tedd, has the paramount responsibility to consider the preparations under the thematic priority of UNISPACE+50 entitled “Legal regime of outer space and global space governance: current and future perspectives”, as well as the draft declaration on the fiftieth anniversary of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. The Group is ready to actively participate in these discussions with the view to producing documents that will guide us on the process towards UNISPACE+50.

Thanks Mr. Chairman.

AGENDA ITEM 6A: 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, including the replies received from Member States and Permanent

Observers with their views on the definition and delimitation of outer space (A/AC.105/1112/Add.2 and 3), their replies to questions on suborbital flights for scientific missions and/or for human transportation (A/AC.105/1039/Add.7-9) and information about national legislation and practice relating to the definition and delimitation of outer space (A/AC.105/865/Add.18 and 19). 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 an important topic that should be kept on the agenda of this Subcommittee and that more work should be done in this direction because the legal regimes governing airspace and outer space are different. In this regard, we are of the idea that exchange of views with ICAO may contribute to a more comprehensive approach.

3. 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.

4. 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.

5. For all these reasons, Mr. Chairman, the Group reiterates its willingness to continue its efforts to reach out to those delegations that deem unnecessary to further continue working on these issues to reach a consensus on the importance on definition and delimitation of outer space.

Thank you Mr. Chairman.

AGENDA ITEM 6B: 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, in conformity with the provision of the Radio Regulations, so that countries or groups of countries may have equitable access to those orbits and frequencies, taking into account the special needs of the developing countries and the geographical situation of particular countries.

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 of the 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 8: CAPACITY-BUILDING IN SPACE LAW

Mr. Chairman,

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. In this line, the Group notes with appreciation that the United Nations Workshop on Space Law on the theme “Contribution of space law and policy to space governance and space security in the twenty-first century”, was held in Vienna from 5 to 8 September 2016 . The Group believes that the successful implementation and application of the international legal framework governing space activities will 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, in particular 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.

4. In this regard, the Group highlights the observation by the Workshop that in view of the growing number of benefits derived from space science and technology applications and the continued expansion of space activities, greater attention must be paid to national regulatory and policy development, in particular for the benefit of developing countries. In this context, it was important to observe the role of, and interaction with, technical bodies and institutions at the national, regional and international levels.

5. The Group reiterates its view on the role that the Committee on the Peaceful Uses of Outer Space and its subsidiary bodies have as a unique common platform for strengthening the capacity of States, in particular developing countries, in the use and application of space science and technology for sustainable development and in efforts to enhance the long-term sustainability of outer space activities. In this line, we support the recommendation made by the Workshop regarding the encouragement to the Office for Outer Space Affairs to conduct targeted capacity-building, education and training in space law and policy, building upon the UN-SPIDER programme, with the objective of establishing a capacity-building platform on the basis of the following criteria: (a) the need to determine the capacity within the Office to provide targeted technical legal assistance and conduct a comprehensive assessment of the needs of requesting States, taking into account judicial, administrative and technical requirements, and on that basis determine the assistance

required; and (b) the delivery of the required capacity-building, assistance, training and education activities to meet the needs of States.

Thank you Mr. Chairman.

AGENDA ITEM 13: 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, through international cooperation, becomes critical not only for public institutions but also for the private sector and institutions launching small satellites.

Thank you Mr. Chairman.

AGENDA ITEM 14: GENERAL EXCHANGE OF VIEWS ON POTENTIAL LEGAL MODELS FOR ACTIVITIES IN EXPLORATION, EXPLOITATION AND UTILIZATION OF SPACE RESOURCES

Mr. Chairman,

1. The G77 and China welcomes the new agenda item 14 on “General exchange of views on potential legal models for activities in exploration, exploitation and utilization of space resources”, proposed by Belgium during the last session of the Legal Subcommittee. The Group regards this topic as extremely relevant for the future of space exploration and the international cooperation in this area.

2. In the present scenario in which some countries have introduced national laws allowing the exploitation of

celestial bodies for economic purposes, this discussion becomes urgent for the consideration of these legislations in regards with the International Space Law, in order to avoid gaps or contradictions in the legal framework in this area and to provide a clear understanding of the legal obligations of the States in the space exploration.

3. In light of the increasing participation of the private sector in space activities, the Group is of the view that an international legal framework that clearly defines and guides commercial activities in outer space could play an important role in expanding the use of outer space and stimulate space activities for the benefit of humanity. Currently, there are different views regarding exploration and appropriation of resources in outer space. In order to allow the future developments of space activities, new legal frameworks are required to provide legal security.

4. The G77 and China considers that, besides the need for a broad debate about the implications of these activities, the developing countries shall not be excluded from the benefits of space exploration and their rights shall be considered in the discussion. Moreover these new economic models shall not compromise the sustainability of space activities.

5. Finally, Mr. Chairman, the G77 and China would like to express its support for keeping this item on the agenda of this Subcommittee. The group considers that the discussions that take place during this session will provide a basis for a more in-depth analysis on the matter in the following years, which will be enriched by the increasing activities of the private sector and the developing of national legislation on the subject ,while addressing the need to ensure that the principles enshrined in the Space Treaty, particularly in its articles 1 and 2, are duly observed.

Thank you Mr. Chairman.