



G-77 AND CHINA STATEMENT DURING THE FIFTY-SEVENTH SESSION OF THE LEGAL SUBCOMMITTEE OF THE UNITED NATIONS COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE, FROM 9-20 APRIL 2018, DELIVERED BY H.E. AMBASSADOR H.E. MS. VIVIAN N.R. OKEKE, PERMANENT REPRESENTATIVE OF NIGERIA

AGENDA ITEM 4: GENERAL EXCHANGE OF VIEWS

Mr Chairman,

1. On behalf of the Group of 77 and China, I would like to congratulate you on your election as the Chair of the Legal Subcommittee (LSC) of COPUOS. The Group assures you of its full cooperation and support in discharge of your mandate. I have the honour to recognize the work of your predecessor Mr. Hellmut Lagos Koller (Chile) whose exemplary leadership contributed enormously to the success of the LSC.

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 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 applicable international law.

4. In line with this, the Group reiterates its strict adherence to the principles governing the activities of States in the exploration and use of outer space, including those outlined in GA.1962 (XVIII), GA.1884 (XVIII), namely:

- 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 and in the interests of all humankind;
- b) The principle of non-appropriation of outer space, including the moon and other celestial bodies, which cannot be appropriated by any State, by claim of sovereignty, by means of use or occupation or by any other means;
- c) The commitment by States for national activities in outer space, whether carried on by governmental agencies or by Non-governmental entities;
- d) The non-militarization of outer space, which shall never be used for the placement and/or deployment 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. The Group is convinced that the United Nations treaties and principles on outer space provide the basis for regulating outer space activities, however is likewise well aware that there is still much work to be undertaken to warrant a safe and sustainable environment. In this regard, the Group reiterates that COPUOS and its two Subcommittees is the suitable 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, the Group notes 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 contributes collectively to make space activities sustainable and safe for all space actors and simultaneously ensures that all countries are able to have equitable access to the limited natural resources of outer space and in this regard, looks forward to a successful conclusion of the negotiations on the long-term sustainability guidelines.

7. The Group reaffirms the importance of preventing an arms race in outer space and placement of weapons of any kind in outer space, with an appropriate and effective verification mechanism and calls 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 placement of weapons of any kind in outer space and any other actions contrary to that objective. In this regard, the Group notes 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 that the outcomes of the relevant discussions should 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 safety and sustainability of outer space activities will be warranted if all activities in this environment are carried out in accordance with applicable international law, rules, regulations, and resolutions.

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 take stock of the contributions of the three previous UNISPACE conferences (UNISPACE I, II and III) and to chart the future role of the Committee, its Subcommittees and the UN Office for Outer Space Affairs.

11. One of the important objectives of UNISPACE + 50 is creating a momentum for reaching consensus on a Space2030 agenda for the contribution of space activities to the achievement of SDGs. Such space activities feature space science, technology and their applications that are crucial to achieving global initiatives like the 2030 agenda for Sustainable Development Goals (SDGs), the Addis Ababa Action Agenda, which establishes a strong foundation to support the implementation of the 2030 Agenda for Sustainable Development, the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Paris Agreement on Climate Change. The Group is of the view that achieving such a noble goal requires the strengthening of global partnerships including, inter-alia, by enhancing the role and the capacity of Regional Centres for Space Science and Technology Education and UN-SPIDER.

12. 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”. The Group takes note of the ongoing consultations on the draft resolution on “Space as a driver of sustainable development” and hopes that this document, when finalized will be all inclusive before its subsequent adoption by the General Assembly.

Mr. Chairman,

13. 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 them 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.

14. In this connection, it is imperative to re-double the efforts to extend to all States the benefits derived from outer space activities. In line with the enhancement of international cooperation in outer space activities, it is vital to promote a wider participation of developing countries through active assistance by advanced spacefaring nations. . To this end, capacity building and technical assistance are key factors 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,

15. The Group is 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.

16. Several of the issues to be discussed during this session are of paramount importance to developing countries, including, among others: definition and delimitation of outer space, geostationary orbit, capacity building and application of international law to small satellites. The Group of 77 and China is willing to engage in the discussions during this session of the Legal Subcommittee and will express its views under each specific agenda item, as appropriate.

Thank you, Mr. Chairman.

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

Mr. Chairman,

1. The Group is of the view that a wide adherence to the United Nations treaties contributes to creating a safe, secure and sustainable atmosphere for the development of outer space activities and enhancing the effectiveness of COPUOS as the main body for discussing and negotiating international space law. 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. Considering the growing number of space actors and the benefits derived from space science technology and their applications, the conduct of such activities by States and intergovernmental and non-governmental entities, continues to expand. The Group in this regard is of the view that the conduct of space actors involved in developing international and regional space cooperation should conform with applicable international space law.

3. The Group takes note of the tasks before the Working Group on the Status and Application of the Five

United Nations Treaties on Outer Space under the leadership of Mr. Bernhard Schmidt Tedd which include preparations under the thematic priority of UNISPACE+50 entitled “Legal regime of outer space and global space governance: current and future perspectives”, 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, as well as the set of questions prepared by the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space. 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, in such a manner that they do not impede free access to all areas related to outer space.

Thank you, 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 containing information received from States members of the Committee on national legislation and practice relating to the definition and delimitation of outer space (A/AC.105/865/Add.20 and A/AC.105/865/Add.21), a note by the Secretariat containing replies from Member States of the United Nations and permanent observers of the Committee to questions on suborbital flights for scientific missions and/or for human transportation (A/AC.105/1039/Add.10 and A/AC.105/1039/Add.11), and a note by the Secretariat containing views of States members and permanent observers of the Committee on the definition and delimitation of outer space (A/AC.105/1112/Add.4 and A/AC.105/1112/Add.5).

2. The Group would also like to thank the Chair for preparing a document, entitled “Promoting the discussion of the matters relating to the definition and delimitation of outer space with a view to elaborating a common position of States members of the Committee on the Peaceful Uses of Outer Space” (A/AC.105/C.2/L.302). The Group commends the Chair for his continued efforts guiding our debates.

3. The Group of 77 and China believes 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.

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.

Mr. Chairman,

6. For all the aforementioned reasons, the Group reiterates its commitment to continue the discussion on issues related to definition and delimitation of outer space and invites other countries to do as such in order to reach a consensus.

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, in conformity with the provisions 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. The Group underscores 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 9: 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 connection, 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. In this regard the Group recalls 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”, held in Vienna from 5 to 8 September 2016.

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, the Group supports 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.

6. To this end, the Group emphasizes the importance of strengthening the mandates of the Committee on the Peaceful Uses of Outer Space and its subcommittees and the Office for Outer Space Affairs, and welcomes the consideration of ways to reprioritize resources by the Secretary-General in this regard.

Thank you, Mr. Chairman.

AGENDA ITEM 11: GENERAL EXCHANGE OF INFORMATION AND VIEWS ON LEGAL MECHANISMS RELATING TO SPACE DEBRIS MITIGATION AND REMEDIATION MEASURES, TAKING INTO ACCOUNT THE WORK OF THE SCIENTIFIC AND TECHNICAL SUBCOMMITTEE

Mr. Chairman,

1. The Group of 77 and China welcomes the decision of the Committee at its sixtieth session, to consider as a single item for discussion on the agenda of the 57th Session of this Subcommittee. The issue of space debris, its proliferation and removal, continue to be a cause for concern in the space environment which should be a constant reminder of the need to safeguard our global environment from pollution. The Group therefore is of the view that the potential hazards of accidental collision of debris with space objects and consequences for the contamination of outer space cannot be underestimated.

2. In this regard, the concept of space debris remediation in the form of removal of debris appears to be a good method of preventing such collisions in space. The Group understands that there are some contentious issues before the LSC regarding this matter. Regarding the issue of removal of an object without prior consent or authorisation of the State Registry, the Group believes that it is important for all States to register all space objects launched into outer space, as required. On the issue of the definition of space debris, acknowledging that COPUOS is the proper forum on this, the Group supports a consultative process, involving all Member States of the Committee. With regard to the responsibility of decongesting outer space through remediation, the Group encourages countries to take differentiated responsibilities for the congestion in the first place with the spacefaring actors taking the lead.

Thank you, Mr. Chairman.

AGENDA ITEM 12: GENERAL EXCHANGE OF INFORMATION ON NON-LEGALLY BINDING UNITED NATIONS INSTRUMENTS ON OUTER SPACE

Mr. Chairman,

1. 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 applicable international law. With regard to information exchange, the Group encourages the States launching objects into orbit, in accordance with their commitments under GA Resolutions 1721 (XVI) of 1961, 1721 B and 1962 (XVIII), Declaration of Legal Principles Governing the Activities of States and the Exploration and Use of Outer Space of 1963, to furnish information to COPUOS, through the UNSG who is also requested to maintain a public registry, and consider establishing a national registry for the purpose of information exchange on its space object(s), as appropriate. Principles Relating to Remote Sensing of the Earth from Outer Space
2. The Group underscores the concept of non-discriminatory data availability, as one of the key principles relating to remote sensing of the earth, which is vital to sustainable development in areas like agriculture and disaster management, and also promotes transparency and confidence among States.

Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries

3. The Group welcomes the Committee's adoption of the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries. The Group believes that this instrument is important as it further promotes international cooperation in a bid to maximize the benefits in the utilization of space applications for all States and calls on all space-faring nations to contribute to promoting and fostering international cooperation on an equitable basis. It also underscores that particular attention be given to the interests of developing countries and that the Committee should be strengthened in its role as the main platform for the exchange of information in the field of international cooperation in the exploration and use of outer space for openness and transparency.

UN Space Debris Mitigation Guidelines

4. The Group welcomes the adoption of the Space Debris Mitigation Guidelines by the Committee in 2007 which would help to ensure the sustainability of the space environment. The Group encourages countries to take differentiated responsibilities for the congestion in the first place with the spacefaring actors taking the lead.

Thank you, Mr. Chairman.

AGENDA ITEM 14: GENERAL EXCHANGE OF VIEWS ON THE APPLICATION OF INTERNATIONAL LAW TO SMALL SATELLITE ACTIVITIES

Mr. Chairman,

1. Presently, a legal or regulatory definition of a small satellite does not exist and 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.
2. Considering the essential roles of space objects, regardless of their size, in the socio-economic

development of the Member States, the Group is of the view that the Committee on the Peaceful Uses of Outer Space (COPUOS) and its Subcommittees should not create an ad-hoc legal regime or any other mechanisms, which might impose limitations on designing, building, launching and using of space objects.

Thank you, Mr. Chairman.

AGENDA ITEM 15: GENERAL EXCHANGE OF VIEWS ON POTENTIAL LEGAL MODELS FOR ACTIVITIES IN EXPLORATION, EXPLOITATION AND UTILIZATION OF SPACE RESOURCES

Mr. Chairman,

1. The Group of 77 and China underscores the importance of this topic in connection with future of international cooperation in space exploration, which the Group believes will not depart from the basic principles of non-appropriation, equitable access to, and common province of humankind.
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 with regard to 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.
4. The Group considers that, besides the need for a broad debate about the implications of these activities, the developing countries should be included for benefiting from space exploration and their rights should be considered in the discussion.
5. Finally, the Group of 77 and China reiterates that the discussions under this agenda item should address 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.

STATEMENT DELIVERED BY THE G-77 AND CHINA ON THE DRAFT RESOLUTION: SPACE AS A DRIVER OF SUSTAINABLE DEVELOPMENT

1. The Group of 77 and China is of the view that the draft resolution on space as a driver of sustainable development will avail all nations, particularly developing countries the opportunity to put forth their interests in the exploration and peaceful uses of outer space. It is therefore pertinent to state that, the accessibility and use of outer space, as a province of all humankind, should be on equitable basis amongst states and irrespective of the level of their economic and scientific advancement.
2. The Group acknowledges the importance of the principles included, inter alia, in the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (OST), aimed at the peaceful exploitation and exploration of Space for the benefit of all countries and the Declaration on International Cooperation in the Exploitation and Use of Outer Space for the Benefit and in the Interest of all States, taking into Particular Account the Needs of Developing Countries, which should be the foundation and basis for further improvement of the space governance.

3. The call by the G-77 and China is to ensure a regime of peaceful uses of outer space through international cooperation in conformity with applicable international law and to achieve sustainable development and the Long-term Sustainability of Outer Space Activities, which should be reflected in the Space2030 Agenda.

4. In view of the foregoing, the Group wishes to call on Member States to support an all-inclusive draft resolution that will:

- Strengthen international cooperation in the exploration and peaceful uses of outer space activities through space, science, and their applications;
- Strengthen the role of COPUOS as the ideal platform for promotion of international cooperation for technical assistance to developing countries in space related activities;
- Strengthen the implementation of the UN Platform for Space-based Information for Disaster Management and Emergency Response (UN-SPIDER) of the Office for Outer Space Affairs and the enhancement of the regional centers for space science and technology, affiliated to the United Nations, particularly for developing countries;
- Emphasize the need to build stronger partnerships and international cooperation and coordination among Member States at all levels in the exploration and peaceful uses of outer space, to integrate space cooperation with the economic and development cooperation;
- Reaffirm the unique role of the Committee on the Peaceful Uses of Outer Space and its subcommittees, supported by the Office for Outer Space Affairs, as the prime intergovernmental platform for the discussion of issues affecting outer space activities, the promotion of international cooperation in the peaceful uses of outer space, to this end, emphasizes the importance of strengthening the roles of the Committee on the Peaceful uses of Outer Space and its subcommittees and the Office for Outer Space Affairs;
- Live up to its title as a driver of sustainable development to make lives better for the global populace;
- Narrow the technological divide with regard to space activities between the developing and developed countries;
- Set the course for all economies towards the path of achieving global initiatives including: the Sustainable Development Goals (SDGs), the Sendai Framework for Disaster Risk Reduction and the Paris Agreement on Climate Change.

Thank you Mr. Chairman.