



STATEMENT OF THE G-77 AND CHINA DURING THE SIXTY-FIRST SESSION OF THE UNITED NATIONS COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE, 19-20 JUNE 2018, DELIVERED BY H.E. AMBASSADOR CARLOS JÁTIVA, PERMANENT REPRESENTATIVE OF ECUADOR

AGENDA ITEM 6: GENERAL EXCHANGE OF VIEWS

Madam Chair,

1. On behalf of the Group of 77 and China, I would like to congratulate you on your election as the Chair of the 61st Session of the Committee on the Peaceful Uses of Outer Space (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. David Kendall (Canada) whose exemplary leadership contributed enormously to the success of the Committee.
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.
3. The Group would like to welcome applications submitted by Cyprus, Ethiopia, Finland, Mauritius and Paraguay to join the membership of the Committee. The Group sees this as a clear sign of the growing interest in the exploration and use of space for peaceful purposes and the recognition of the role played by space science, technology and its applications in the achievement of the goals enshrined in the 2030 Development Agenda.
4. Today we celebrate the fiftieth anniversary of the first UNISPACE conference, held in Vienna, in 1968. UNISPACE +50 offers a milestone opportunity to address the overarching long-term development concerns since the last UNISPACE Conference in 1999. This milestone achievement is marked by the endorsement of an all-inclusive draft UN Resolution during the High-level Segment of the Committee for subsequent adoption by the 73rd Session of the UNGA. The draft resolution entitled, “Fiftieth anniversary of the first United Nations Conference on the Exploration and Peaceful Uses of Outer Space: space as a driver of sustainable development” went through extensive debate and series of negotiations before eventually emerging as a consensus document on 11 May, 2018. The Group at this point would like to thank Canada, Germany and India for guiding the deliberations that led to a successful outcome.
5. 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 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.
6. The Group in this regard notes with appreciation the work carried in developing the seven thematic priorities of UNISPACE+50 which will chart a course for the preparation of a “Space2030” agenda and its implementation plan, the outcome of which will be considered in 2020 by the 75th Session of the UN General Assembly.

Madam Chair,

7. 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, with the view to realizing a shared vision for the future, 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.

8. 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.

9. The Group reiterates that COPUOS and its two Subcommittees are the suitable forums 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 ensure that space law and global space governance are developed in tandem with the major scientific and technical advances in the area.

10. In this vein, the Group appreciates 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 able Chairmanship of Mr. Peter Martinez of South Africa. The Group considers that this contributes collectively to make space activities sustainable for current and future generations 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 Compendium of long-term sustainability guidelines, as agreed by this Committee in 2016. As the work-plan of this working group is scheduled to end during this session of COPUOS, the Group strongly encourages constructive discussions and flexible positions.

11. 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.

Madam Chair,

12. 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, security 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.

13. Developing countries are increasingly engaged in space activities and actively participating in the discussions of the Committee. While several Member States of this Group have achieved important milestones in space activities, others are starting to develop their own space programmes and policies. This fact affirms our recognition of 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 space-faring nations and the Office of Outer Space Affairs. 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.

Thank you Madam Chair.

AGENDA ITEM 8: REPORT OF THE SCIENTIFIC AND TECHNICAL SUBCOMMITTEE ON ITS FIFTY-FIFTH SESSION

Madam Chair,

1. The Group of 77 and China would like to comment on some of the issues put forth during the last session of the Scientific and Technical Subcommittee and that we consider of utmost relevance for developing countries.

2. The unfavorable financial situation of the United Nations Office for Outer Space Affairs, has limited its capacity-building activities. Despite additional responsibilities assigned to the office, particularly those which are relevant to the fulfillment of the Sustainable Development Goals and the Secretary-General's system-wide efforts to engage with member states of the UN to reform the UN system, UNOOSA has not been integrated into the United Nations Development System and thus is affected by a shortage of funds to support cooperation programmes. Nevertheless, the Group would like to note with appreciation activities carried out in 2017, under the Programme on Space Applications by the UNOOSA in collaboration with Member States and other international organizations.

3. With regard to the physical nature and technical attributes of the geostationary orbit and its utilization and applications, the Group would like to reiterate the fact 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. 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 as well as instruments and regulations of the International Telecommunications Union.

4. 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 preserve the sustainability of this environment. The Group therefore is of the view that the potential hazards posed by the collision of debris

with space objects and the consequences of the contamination of outer space cannot be underestimated. The Group would also like to encourage the voluntary implementation of the Space Debris Mitigation Guidelines of COPUOS and the adoption of concrete actions to mitigate space debris, including the improvement of the design of launch vehicles and space crafts, the de-orbiting of satellites, passivation, end-of-life operations and the development of specific software and models for space debris mitigation. This proffered solution however should not impose any undue burden on the space programs of developing countries.

5. In this vein, the Group appreciates all the efforts carried out within the Working Group for the Long-Term Sustainability of Outer Space Activities in the Scientific and Technical Subcommittee, under the able Chairmanship of Mr. Peter Martinez of South Africa. The Group considers that this contributes collectively to make space activities sustainable for current and future generations 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 Compendium of long-term sustainability guidelines, as agreed by this Committee in 2016. As the work-plan of this working group is scheduled to end during this session of COPUOS, the Group strongly encourages constructive discussions and flexible positions.

Madam Chair,

6. Space science and technology, and their applications are essential in effectively addressing current and future challenges to social and economic development and sustainability, such as natural disasters, food security, climate change and natural resource security. The Group notes in this regard that space activities are also crucial to realizing the Sustainable Development Goals, in particular as part of efforts to support sustainable economic growth, improve quality of life and manage the global environment. It is therefore important to ensure that the office is equipped with the necessary resources to assist a greater number of countries in having access to the benefits of space science and technology and its applications in line with the spirit of the Outer Space Treaty.

7. The Group would like to highlight the importance of technology transfer in bridging the space divide. The Group therefore calls upon the Committee and UNOOSA for greater support to the training programs of the regional centres affiliated to the United Nations, and to conduct wider exchange and cooperation among different regional centres, including through alliance of regional centres, with the aim of enhancing North-South and South-South cooperation to facilitate the transfer of technology among nations. The Group also calls upon UNOOSA and Member States to make available more opportunities for academic linkages, long-term fellowships and collaboration with national and regional institutions in the field of outer space especially in developing countries.

8. The Group reiterates the importance of ensuring equitable access to space technologies and applications by all States, in particular developing countries, with the outcome of UNISPACE+50, particularly the Space 2030 Agenda, providing a path towards recognizing such needs.

Madam Chair,

9. The Group expresses its concern over the risk of potential collisions of nuclear-powered space objects in orbit and the incidents or emergencies that could be created by the accidental re-entry of such objects into the Earth's atmosphere, as well as their impact on the ecosystem. The Group therefore is of the view that more attention should be given to these issues through adequate strategies, long-term planning and regulations, including the Safety Framework for Nuclear Power Sources Applications in Outer Space.

Thank you Madam Chair.

AGENDA ITEM 9: REPORT OF THE LEGAL SUBCOMMITTEE ON ITS FIFTY-SEVENTH SESSION

Madam Chair,

1. The Group of 77 and China would like to comment on some issues discussed during the 57th Session of the Legal Subcommittee which the Group deems of utmost relevance for developing countries.

2. First is the debate on the definition and delimitation of outer space. The Group would like to reiterate its concerns that despite lengthy debates, no consensus to date has been achieved on a clear and universal definition of the subject. The Group would therefore like to underscore once more that the definition and delimitation of outer space is a very important topic that should be kept on the agenda of this Subcommittee and that more work should be done in order to establish the legal regime applicable to airspace and outer space. In this regard, we commend all the efforts made by the Chair of the Working on Definition and delimitation of Outer Space, José Monserrat Filho, and encourage all delegations to contribute to the discussion in a constructive manner.

3. Regarding the issue of geostationary orbit, the Group would like to reiterate that such a domain 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 International Telecommunication Union instruments and regulations. Furthermore, we reiterate that this orbit 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.

4. The Group considers that more effective and proactive efforts are needed in order to increase awareness on the importance of compliance with international space law when implementing space activities and programs. In order to achieve this aim, capacity building in space law becomes a fundamental tool that should be enhanced through international cooperation. Therefore, the Group calls for a greater support by UNOOSA and Member States to foster cooperation of both North-South and South-South to facilitate the sharing of knowledge and expertise in the field of international space law.

Madam Chair,

5. The Group is of the view that the potential hazards posed by the collision of debris with space objects and the consequences of the contamination of outer space cannot be underestimated. It is pertinent to note that while the concept of space debris remediation in the form of removal of debris appears to be a good method, there are some contentious issues regarding such an exercise without prior consent or authorization of the State Registry. In this regard, the Group sees the importance of registration of space objects by States and the responsibility of decongesting the space environment through remediation placed on those actors responsible for its proliferation.

6. Space debris, nuclear power sources and the geostationary orbit are only some examples of topics that are part of the agendas of the two Subcommittees, although they are addressed from different standpoints. Their complexity and relevance suggest that a simple focus is far from sufficient. For this reason, we consider that the interaction and coordination between these two subsidiary bodies is essential to ensure a comprehensive discussion of their different aspects bearing in mind that the work of the two Subcommittees should not be conceived as unconnected compartments but complementary. The Group is looking forward to the increased coordination between these bodies as an outcome of the UNISPACE +50 process.

Madam Chair,

7. Non-legally binding instruments have been source of guide to States and other relevant actors in conducting their activities in outer space in a safe and secure manner. However, although they cover aspects that have not been addressed by other legal instruments, they should not replace the valuable source of

treaties and customary international law. In this vein, the Group is of the view that the development of instruments of soft-law should not prevent the progress of international space law, which should be carried out within the Legal Subcommittee.

8. In this regard, 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.

9. While serving as a forum to encourage Member States to adhere to the five UN treaties, COPUOS should also anchor the provision of technical assistance and capacity-building to those Member States who have identified the need for supplementary regulation through the exchange of information on best practices to improve their domestic laws.

Madam Chair,

10. The Group reiterates its support to the agenda item related to small satellites. This type of satellite is a valuable instrument in the development of space capabilities of developing countries that lack the necessary resources for ambitious space programs. On the other hand, 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.

11. 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. Consequently, some kind of guidance in the operation of these satellites is necessary in order to ensure its appropriate development, while not posing a high threshold on developing countries with emerging space programs. The Group is of the view that in general, all international rights and obligations of the States with respect to satellites regardless of their perceived sizes 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.

12. The Group also welcomes the decision by the Committee to maintain within the agenda item of the Legal Sub-Committee, issues related to potential legal models for activities in exploration, exploitation and utilization of space resources. In light of the increasing participation of the private sector in space activities, the Group is of the view that the negotiation of an international legally binding instrument 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. The Group 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.

Thank you Madam Chair.

DISCUSSION ON OBSERVER STATUS

Madam Chair,

1. On behalf of the Group of 77 and China, thank you for allowing me to address the Committee on the discussions about the procedures to allow Member States of the UN to attend our sessions as observers. This is a discussion of great interest to all of us, particularly because of the implications it may have in the future.

2. The G77 and China would like to share its views on the matter and encourages all delegations to reach a compromise, in line with the Vienna spirit.

3. The Group has listened carefully to the arguments presented by all sides and we share the view that the work of the Committee has to support the advancement of the peaceful uses of outer space. In fact, this is fully in line with the recommendations of the UN Secretary-General who, in his recent report on disarmament, called upon COPUOS to contribute to this matter.

4. It worries the G77 and China that some of the arguments put forward to address this question would depart from established practice and therefore may negatively affect the work of the Committee in the future. In the context of this special session, the Committee should be working together to promote greater cooperation and understanding among nations to further the peaceful uses of outer space.

5. The views of the G77 and China are in no way disrespectful of the concerns expressed in this Committee. However, since our task is to promote the peaceful uses of outer space, we should consider proactive and constructive ways to promote adherence to the established practice of this Committee. This can only be achieved if we work in the spirit of understanding and consensus. Moreover, the principles that have guided this Committee successfully over the years require that precedent is followed. Departures from standard procedure could only be possible when there is consensus.

6. The Group therefore asks delegations to work together in a flexible manner to uphold the established practice on this matter in order to allow for a positive outcome to this issue, following the practice of this Committee in the past. The Group believes this is the best way to demonstrate its faith in the work of this Committee and trust that the able leadership of the Chair of this Committee will help us overcome this issue in the best spirit of UNISPACE+50.

Thank you, Madam Chair.