



G-77 AND CHINA STATEMENT DURING THE FIFTY-EIGHTH SESSION OF THE LEGAL SUBCOMMITTEE OF THE UNITED NATIONS COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE, FROM 1-12 APRIL 2019, DELIVERED BY H.E. MR. OMAR AMER YOUSSEF, AMBASSADOR, PERMANENT REPRESENTATIVE OF EGYPT

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 57th 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, 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 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), specifically:

- 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 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
- d. 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 reiterates that COPUOS, with its two Sub committees, is the only UN forum to discuss comprehensively all matters related to the peaceful uses of outer space including the Moon and other celestial bodies. The Group would recommend that there should be greater interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to promote advancements in space law, so that it would be aligned with the major scientific and technical advances in space activities. The Group is of the view that such coordination and synergies between the two Subcommittees can also promote understanding, acceptance and further the implementation of the existing United Nations legal instruments.

6. The Group reaffirms the importance of preventing an arms race and the placement of weapons of any kind in outer space, and calls upon all States, in particular those with major space capabilities, to contribute actively and commit to preserving outer space as a peaceful environment. The Group believes that the sustainability of outer space activities both in the short and in the long-term requires the international community to ensure that no weapons are ever placed or used there.

7. The Group of 77 and China is of the view that the discussions of this Subcommittee should not lead to any measures, including norms, guidelines and standards that would limit access to outer space by nations with emerging space capabilities, especially the developing countries. Accordingly, the Group believes that the international legal framework should be developed in a manner that addresses the concerns of all States. In this regard, the Group emphasizes the need for COPUOS to devote more efforts for legal capacity-building and make the required expertise available to developing countries, facilitated by UNOOSA.

8. 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 only starting to include them into their national programs. This fact reaffirms our recognition of the potential, importance and impact of space activities and their relevance in the achievement of the 2030 Development Goals.

9. In this connection, it is imperative to increase efforts so that the benefits from outer space activities can be extended to all States. Furthermore, and in line with the enhancement of international cooperation in outer space activities, it is vital to promote the wider participation of developing countries through proactively offering assistance by advanced space faring nations. Capacity building and technical assistance are key factors in this regard.

10. Several of the issues to be discussed during this session are of paramount importance to developing countries, including, among others: the 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 5: 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. In this regard, the Group is of the view that the conduct of space actors involved in developing international and regional space cooperation should conform to applicable international space law.

Thank you, 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 containing information received from States members to the Committee on national legislations and practices relating to the definition and delimitation of outer space (A/AC.105/865/Add.22), 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.12), 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.6).
2. 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.
3. 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 6B: GEOSTATIONARY ORBIT

Mr. Chairman,

1. The Group of 77 and China firmly believes that geostationary orbit — a limited natural resource clearly in danger of saturation — should have been used rationally and should be made available to all States, irrespective of their current technical capacities. That would provide States with the possibility of gaining access to the geostationary orbit under equitable conditions, bearing in mind, in particular, the needs and interests of developing countries and the geographical position of certain countries, and taking into account the processes of ITU and relevant norms and decisions of the United Nations.
2. 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.
3. 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 should be governed by applicable international law and in accordance with the principle of non-appropriation of outer space, in order to ensure the guaranteed and equitable access to orbital positions of the geostationary orbit according to the needs of all countries, in particular developing countries and countries in certain geographical positions.
4. Bearing in mind that communications satellites are an indispensable tool in the efforts to promote the development of all countries, the Group is of the view that, in order to develop adequate mechanisms to ensure the equitable access to geostationary orbit, it is necessary to keep this issue on the agenda of this Subcommittee.

Thank you, Mr. Chairman.

AGENDA ITEM 8: CAPACITY-BUILDING IN SPACE LAW

Mr. Chairman,

1. Capacity-building, training and education in space law help to promote international development and cooperation in space activities, and assist in building 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.

2. 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 therefore relies on the availability of suitable opportunities for education in space law and policy.

3. The Group reiterates its view that the Committee on the Peaceful Uses of Outer Space and its subsidiary bodies is a unique common platform for strengthening the capacity of States, in particular for developing countries. In this line, the Group encourages the Office for Outer Space Affairs to conduct targeted capacity-building, education and training in space law and policy, modelled upon the UN-SPIDER programme.

Thank you, Mr. Chairman.

AGENDA ITEM 10: 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 issue of space debris, its proliferation and challenges posed by its removal, are a growing cause for concern in the space environment, and serves as a constant reminder of the need to take active measures to safeguard our global environment from pollution. The Group therefore is of the view that the potential hazards of accidental collisions of debris with space objects and consequences for the contamination of outer space cannot be underestimated.

2. In this regard, the concept of mitigation and remediation of space debris 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. The Group believes that it is important for all States to register all space objects launched into outer space. The Group also believes that no object should be removed without prior consent or authorization of the Registering State.

3. 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 common but differentiated responsibilities for the congestion in the first place with the actors that were largely responsible for creating space debris should be most involved in space debris removal activities and that those actors should make available their scientific and legal expertise through cooperation agreements to countries with a lower level of space development.

Thank you, Mr. Chairman.

AGENDA ITEM 11: 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 importance of upholding the principle of promoting the availability of remote sensing data on a non-discriminatory basis, as this type of information is essential to the promotion of sustainable development in areas like agriculture and disaster management, and also promotes transparency and confidence among States.
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 and to refrain from introducing unilateral restrictive measures hampering this cooperation. 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.

Thank you, Mr. Chairman.

AGENDA ITEM 13: 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 use of space objects by developing countries.

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 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. The Group believes that all countries need to engage in this discussion in COPUOS to propose constructive ways that help us develop an approach for the utilization of space resources that is constructive, collaborative and the product of consensus.

Thank you, Mr. Chairman.