Statement of the G-77 and China
during the sixty-third session of the Legal Subcommittee
of the United Nations Committee on the Peaceful Uses of Outer Space,
15-26 April 2024,
delivered by H.E. Laura Gil,
Ambassador, Permanent Representative of Colombia

AGENDA ITEM 4: GENERAL EXCHANGE OF VIEWS

Thank you Chair,

1. On behalf of the Group of 77 and China, I would like to express our gratitude to you, Ms. Nomfuneko Majaja of South Africa, a member of the Group, for your Chairpersonship of the 61st and 62nd Sessions of the Legal Subcommittee of COPUOS. The Group also warmly welcomes Mr. Santiago Ripol Carulla of Spain as the new Chair of the Subcommittee and assures you and the members of the bureau of our full support during this Session.

2. The Group further takes the opportunity to thank the Director of the Office for Outer Space Affairs, Ms. Aarti Holla-Maini, and the Secretariat for the preparations and planning made for convening this meeting.

Chair,

3. The Group underscores its firm conviction that the use and exploration of 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 RES. GA.1962 (XVIII), RES.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; 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;

c. 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 of developing countries.

5. The Group reiterates that COPUOS, with its two Subcommittees, 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 recommends 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 greater understanding, acceptance and further implementation of the existing United Nations legal instruments.

6. The Group is of the view that all outer space activities, including mega-constellations and their related operations, should fully respect the UN Charter, international law and the principle of non-intervention. If mega-constellations or any satellite internet company wishes to operate into a country, these operations must respect the national laws and landing rights of that country and the relevant legal instruments of the International Telecommunication Union (ITU).

7. 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.

8. The Group 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 of developing and emerging space-faring countries to outer space. Accordingly, the Group believes that the international legal framework should be developed in a manner that addresses the concerns of all States.

9. Developing countries are increasingly engaging in space activities and in the membership and discussions of 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.

10. In this regard, the Group reaffirms its recognition of the potential, importance and impact of space activities for developing countries and their relevance in the achievement of the 2030 Sustainable Development Goals, including through the “Space2030” Agenda and its Implementation Plan.

11. 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. In this regard, the Group emphasizes the need for COPUOS to devote more efforts for capacity-building in space law and policy, and make the required expertise available to developing countries, facilitated by UNOOSA. The Group also underscores the importance of appropriate funding to enable the Office to provide valuable support for developing countries, including through UNOOSA's capacity-building and technical assistance programmes.

12. The definition and delimitation of outer space, geostationary orbit, capacity-building and application of international law to small satellites, and the meetings of the Working Group on space resources, inter alia are of paramount importance to the Group. It will engage in the discussions during this session of the Legal Subcommittee and will express its views under each specific agenda item, as appropriate.

I thank you.

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AGENDA ITEM 6: STATUS AND APPLICATION OF THE FIVE UNITED NATIONS TREATIES ON OUTER SPACE, AND WAYS AND MEANS, INCLUDING CAPACITY-BUILDING, TO PROMOTE THEIR IMPLEMENTATION.

Thank you Chair,

1. The Group of 77 and China is of the view that a wide adherence and membership 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 UN treaties on outer space 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 entities, and the benefits derived from space science, technology and their applications, including the economic relevance of space tools, 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 any action by space actors and entities should conform to applicable international space law.

I thank you.

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AGENDA ITEM 7A: THE DEFINITION AND DELIMITATION OF OUTER SPACE

Chair,

1. The Group of 77 and China would like to thank the Secretariat for preparing the documentation on this agenda item, particularly the contributions from Member States on their legal approaches to the definition and delimitation of outer space and suborbital flights, as well as the historical summary on the consideration of the question on the definition and delimitation of outer space.

2. The Group 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 and in this regard we feel that the working group on Definition and Delimitation of Outer Space should continue its activities.

I thank you.

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AGENDA ITEM 7B: GEOSTATIONARY ORBIT

Chair,

1. The Group of 77 and China firmly believes that geostationary orbit — a limited natural resource clearly in danger of saturation — shall be used rationally and shall 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 the 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 and it needs to be addressed appropriately.

3. The Group underscores that the geostationary orbit shall not be subject to national appropriation, and that its utilization shall 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.

I thank you, Chair.

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AGENDA ITEM 9: GENERAL EXCHANGE OF VIEWS ON POTENTIAL LEGAL MODELS FOR ACTIVITIES IN EXPLORATION, EXPLOITATION AND UTILIZATION OF SPACE RESOURCES

Chair,

1. The Group of 77 and China underscores the importance of this topic in connection with the future of international cooperation in space exploration, which the Group believes should not depart from the basic legal principles of the non-appropriation and equitable access to outer space, which is the common province of humankind.

2. In view of 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 States in space exploration, exploitation and utilization.

3. The Group reiterates its support of the work of the Working Group on the general exchange of views on potential legal models for activities in exploration, exploitation and utilization of space resources during the session of the Legal Subcommittee and looks forward to fruitful deliberations on this pertinent issue.

4. The Group believes that discussions should be as inclusive as possible for the benefit and in the interest of all humankind, taking into consideration the needs of developing countries. The Group is of the view that any approach for the exploration, exploitation, and utilization of space resources should be equitable, constructive, collaborative, consensus-based, and most of all, does not leave behind or unfairly disadvantage developing countries. The Group also believes that in order to be inclusive and transparent, these discussions should take place within formal sessions, which should be allotted sufficient time, with interpretation services in all official UN languages.

5. The Group is of the view that in light of the increasing participation and the evolving potential of the private sector in space activities, the negotiation of a possible 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 taken into account in the discussion.

I thank you.

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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

Chair,

1. The issue of space debris, its proliferation and challenges posed by its removal, are a growing cause for concern in the space environment. The Group reiterates the need to take active measures to reduce pollution in the Earth's orbit and prevent accidental collisions of debris with space objects. The Group also expresses its concern regarding falling space debris, including during launch and uncontrolled re-entry, which pose a threat to human life, infrastructure, environment and communities on Earth.

2. In this regard, the concept of mitigation and remediation of space debris in the form of removal of debris appear to be viable methods 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 space object should be removed or eliminated without prior consent or authorization of the Registering State.

3. On the issue of the definition of space debris, the Group acknowledges that COPUOS is the proper forum for this discussion, and supports a consultative process involving all Member States of the Committee. With regard to the decongestion of outer space through remediation, the Group encourages Member States to adopt common but differentiated responsibilities, with the actors largely responsible for creating space debris the most involved in space debris removal activities, and that those actors should make available their scientific, technical and legal expertise to developing countries.

4. With regard to falling space debris, the Group encourages launching states to provide advanced, proper, prompt and adequate notification to other states specially developing countries, located along the drop zones of falling space debris, as applicable, to ensure that they are sufficiently prepared to mitigate and respond to such incidents. It is equally important to strengthen the capacities of developing countries in detecting and responding to falling space debris.

5. Pending the adoption of legal mechanisms related to space debris mitigation and remediation, the Group takes note of the relevant non-legally binding and voluntary measures such as the Space Debris Mitigation Guidelines and the Guidelines for the Long-term Sustainability of Outer Space Activities, and invites advanced space-faring countries and other actors, especially those deploying mega-constellations, to pay due regard to their application. The Group further underscores the importance of strengthening the capacity of developing countries for the voluntary implementation of these measures.

Thank you, Chair.

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AGENDA ITEM 11: GENERAL EXCHANGE OF INFORMATION ON NON-LEGALLY BINDING UNITED NATIONS INSTRUMENTS ON OUTER SPACE

Chair,

1. The Group of 77 and China underscores its firm conviction that the use and exploration of 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 UN Secretary General, 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.

2. With regard to the Principles Relating to Remote Sensing of the Earth from Outer Space, adopted by the UN General Assembly[1], the Group underscores the importance of upholding the principle of promoting the availability of remote sensing data on a nondiscriminatory basis, as this type of information is essential to the promotion of sustainable development in areas such as agriculture, disaster risk reduction and management, climate change, and global health, and also promotes transparency and confidence among States.

3. The Group reiterates its support 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[2], which was adopted by the General Assembly. 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

[1] A/RES/41/65, adopted by the 41st UNGA on 3 December 1986.
[2] A/RES/51/122, adopted by the 51st UNGA on 4 February 1997.

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, Chair.

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AGENDA ITEM 13: GENERAL EXCHANGE OF VIEWS ON THE APPLICATION OF INTERNATIONAL LAW TO SMALL-SATELLITE ACTIVITIES

Chair

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 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.

3. The Group also reiterates its previous statements regarding:

- The importance of ensuring guaranteed and equitable access to orbital positions of the geostationary orbit according to the needs of all countries, in particular developing countries;

- That no space object should be removed or eliminated without prior consent or authorization of the Registering State; and

- Since debris generation goes against the interest of all States, satellite removal or elimination should be done in a responsible manner.

Thank you Chair.