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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
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Draft report

Addendum

III. Status and application of the five United Nations treaties on outer space

1. The Legal Subcommittee recalled that the General Assembly, in its resolution 60/99, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee should consider the agenda item on the status and application of the five United Nations treaties on outer space as a regular item, and had noted that the Subcommittee would reconvene its Working Group on the item at its forty-fifth session and would review the need to extend the mandate of the Working Group beyond that session of the Subcommittee.

2. The Subcommittee noted with satisfaction that the Secretariat had distributed an updated document containing information, as at 1 January 2006, on States parties and additional signatories to the United Nations treaties and other international agreements relating to activities in outer space (ST/SPACE/11/Rev.1/Add.1).

3. The Subcommittee noted that, as at 1 January 2006, the status of the five United Nations treaties on outer space was as follows:

(a) The Outer Space Treaty had 98 States parties and had been signed by 27 additional States;

(b) The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (General Assembly resolution 2345 (XXII), annex) had 88 States parties and had been signed by 25 additional States;



(c) The Convention on International Liability for Damage Caused by Space Objects (Assembly resolution 2777 (XXVI), annex) had 83 States parties and had been signed by 25 additional States;

(d) The Convention on Registration of Objects Launched into Outer Space (Assembly resolution 3235 (XXIX), annex) had 46 States parties and had been signed by 4 additional States;

(e) The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (Assembly resolution 34/68, annex) had 12 States parties and had been signed by 4 additional States.

4. The Subcommittee noted with satisfaction that EUMETSAT had declared its acceptance of the rights and obligations under the Rescue Agreement and the Liability Convention and that the declaration was directly attributed to the letter from the Secretary-General encouraging such declarations to be made by international organizations.

5. The Subcommittee welcomed the ratification by Brazil in 2006 of the Registration Convention and the accession of Nigeria to the Liability Convention, as well as reports from Member States regarding their progress towards becoming parties to the five United Nations treaties on outer space and towards developing national space laws to implement their obligations under those treaties. The Subcommittee noted with satisfaction that the activities of the Office for Outer Space Affairs were directly contributing to that progress.

6. The Subcommittee noted with appreciation that in 2005 a number of States had concluded bilateral and multilateral agreements promoting broad international cooperation with regard to the conduct of space activities and, in particular, with regard to the sharing of remote sensing data.

7. The Subcommittee noted with satisfaction the signing of the convention on the establishment of the Asia-Pacific Space Cooperation Organization (APSCO) by eight States in Beijing in October 2005.

8. The Subcommittee noted that a number of States were developing national mechanisms for registration of space objects.

9. The view was expressed that the Legal Subcommittee should continue to address legal issues arising from technological development, the expansion of space activities and the increasing participation of the private sector in those activities and to determine how to strengthen international and national legal systems in order to effectively address those issues.

10. Some delegations expressed the view that the United Nations treaties on outer space had established a coherent and useful framework for increasingly widespread and complex activities in outer space carried out by both governmental and private entities. Those delegations welcomed further adherence to the treaties and hoped that States that had not yet ratified or acceded to those treaties would consider becoming parties to them.

11. The view was expressed that the benefits to, and the rights and obligations of, parties to the United Nations treaties on outer space were multiple. That delegation was of the view that the first and foremost benefit was that space activities must be carried out freely but, at the same time, within a well-established and generally

accepted legal framework, in order to avoid any temptation on the part of space-faring countries to engage in unilateral practices.

12. The view was expressed that the adherence of a State to the United Nations treaties on outer space, especially to the Liability Convention, would increase that State's attractiveness to potential foreign partners seeking international cooperation in the exploration and use of outer space, its involvement in international cooperation mechanisms, its confidence in the safety of space activities and its need for enacting national implementing legislation relating to claims for damage caused by space objects, paving the way for the progressive development of national space law.

13. The view was expressed that the United Nations treaties on outer space had evolved through consensus and had been accepted by a large number of States and that the treaties constituted the cornerstone of the international legal regime governing outer space. That delegation was of the view that, therefore, reviewing the status and application of the United Nations treaties on outer space was important in order to encourage adherence to them.

14. Other delegations expressed the view that, although the provisions and principles of the United Nations treaties on outer space constituted the regime to be observed by States and more States should be encouraged to adhere to them, the current legal framework for outer space activities required modification and further development in order to keep pace with advances in space technology and changes in the nature of space activities. Those delegations expressed the view that the lacunae resulting from the current legal framework could be addressed by the development of a universal, comprehensive convention on space law without disrupting the fundamental principles contained in the treaties currently in force.

15. The view was expressed that in the context of a universal, comprehensive convention on space law, for which the current international legal regime would serve as a guide, regard should be given to the relevant practice of States in space activities and to the regime and principles in the United Nations Convention on the Law of the Sea¹ that might be usefully applied, *mutatis mutandis*, to outer space, as well as to the lessons learned from drafting that Convention.

16. The view was expressed that, in order to strengthen the legal framework for global space activities, States should commit themselves to adhering to the existing outer space treaties instead of discussing a universal, comprehensive convention on outer space.

17. The view was expressed that the effort needed to draft a new comprehensive convention on outer space would considerably slow down the work of the Subcommittee and would make less clear its message with regard to increasing the adherence to the existing outer space treaties and improving their implementation.

18. The view was expressed that it was important to continue efforts towards universal acceptance of the international legal regime governing activities in outer space, taking into account the need to identify those new areas which might require regulation and which could be addressed by developing complementary instruments.

¹ United Nations, *Treaty Series*, vol. 1833, No. 31363.

19. The Subcommittee noted that the publication entitled *Space Law: Basic Legal Documents*, which had been edited and published by the Institute of Air and Space Law at Cologne, Germany, since 1989, had become available as an electronic database, in addition to being available as a hard-copy loose-leaf collection.

20. As mentioned in paragraph [...] above, at its 732nd meeting, on 3 April, the Legal Subcommittee reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space under the chairmanship of Vassilios Cassapoglou (Greece). The Working Group held [...] meetings. At its [...] meeting, on [...] April, the Subcommittee endorsed the report of the Working Group, which is contained in annex [I] to the present report.

21. The Subcommittee endorsed the recommendation of the Working Group that member States provide information on any action that might have been taken at the national level as a result of receiving the letter from the Secretary-General encouraging participation in the outer space treaties. The Subcommittee took note with appreciation of the text of the document on advantages of adherence to the Liability Convention, contained in the [appendix] to the report of the Working Group, and endorsed the recommendation that the Office for Outer Space Affairs send a letter transmitting the document to all States that had not yet become parties to the Liability Convention.

22. The Legal Subcommittee endorsed the recommendation that the mandate of the Working Group be extended for one additional year. It was agreed that the Subcommittee, at its forty-sixth session, in 2007, would review the need to extend the mandate of the Working Group beyond that period.

23. The full text of the statements made by delegations during the discussion on agenda item 6 is contained in unedited verbatim transcripts (COPUOS/Legal/T.733-736).

IV. Information on the activities of international organizations relating to space law

24. The Legal Subcommittee recalled that the General Assembly, in its resolution 60/99, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee should consider, as a regular item of its agenda, an item entitled “Information on the activities of international organizations relating to space law”.

25. The Legal Subcommittee noted with satisfaction that various international organizations had been invited by the Secretariat to report to the Subcommittee on their activities relating to space law. The Subcommittee agreed that for its forty-sixth session, the Secretariat should extend a similar invitation.

26. The Legal Subcommittee had before it a note by the Secretariat (A/AC.105/C.2/L.261 and Corr.1 and 2) and two conference room papers (A/AC.105/C.2/2006/CRP.4 and A/AC.105/C.2/2006/CRP.6) containing information on activities relating to space law received from the following international organizations: Centre régional de télédétection des États de l’Afrique du Nord (CRTEAN), ECSL, IISL and ILA.

27. In the course of the debate, observers for the following international organizations reported to the Subcommittee on their activities relating to space law: ESA, EUMETSAT, IAF, ILA and SGAC.
28. The Subcommittee noted with appreciation that ECSL had established a virtual network on space law and policy for countries in Latin America and the Caribbean. The network, which included a website containing space law texts and other international agreements, had been well received by member States of the Subcommittee, particularly by those from Latin America and the Caribbean. The Subcommittee also noted that the virtual network would be presented at the Fifth Space Conference of the Americas, to be held in Quito in July 2006.
29. The Subcommittee agreed to invite ECSL and IISL to organize a one-day symposium during the forty-sixth session of the Subcommittee that would include presentations by national and international space law institutions with emphasis on their capacity-building activities. The Subcommittee also agreed that the symposium could be organized during the afternoon meetings on the first and second days of the session.
30. Some delegations noted that the subject of outer space had been introduced into the programmes of their secondary schools and that it would be important to bring the subject of outer space into the programmes of classrooms in all countries, in particular developing countries.
31. The Subcommittee was informed of activities related to space law carried out by the University of Athens, the National Remote Sensing and Space Law Center of the University of Mississippi and ECSL and, in particular, of the contribution of the latter to educating young people about space.
32. The view was expressed that there was a need for connections and relations between space law studies and space activities and that the regional centres on space science and technology education, affiliated to the United Nations, could be used to develop and teach courses on space law using interdisciplinary approaches and curricula.
33. The Subcommittee noted that the Brazil Campus of the Regional Centre for Space Science and Technology Education in Latin America and the Caribbean had started its second short-term course on space law.
34. Some delegations reiterated the importance of close cooperation between the Legal Subcommittee and the United Nations Educational, Scientific and Cultural Organization (UNESCO), in particular its Commission on the Ethics of Scientific Knowledge and Technology (COMEST). It was noted that UNESCO had not prepared a special declaration of ethical principles relating to outer space activities.
35. The Subcommittee noted with appreciation that EUMETSAT had declared its acceptance of rights and obligations under the Rescue Agreement and the Liability Convention.
36. The view was expressed that other intergovernmental organizations conducting space activities should consider possible steps to encourage their member States to adhere to the Rescue Agreement, the Liability Convention and the Registration Convention, in order to allow those organizations to declare acceptance of rights and obligations under those agreements. The view was also expressed that that

would improve the coverage and effectiveness of the main United Nations treaties on outer space.

37. The view was reiterated on the importance of the participation of international organizations in the work of the Legal Subcommittee and on the need of receiving written reports from those organizations that could not be represented at sessions of the Subcommittee due to budget limitations.

38. The Subcommittee noted with appreciation the efforts of the Office for Outer Space Affairs in building capacity in space law and commended its work in compiling the directory of education opportunities in space law (A/AC.105/C.2/2006/CRP.3), in preparing the electronic publication "Space law update" and in organizing its workshops on space law.

39. The Subcommittee noted with appreciation that the directory of education opportunities in space law had been updated and would be made available on the website of the Office for Outer Space Affairs. The Subcommittee expressed its appreciation to the educational institutions that had provided information on their programmes and encouraged other educational institutions to provide such information.

40. The Subcommittee expressed its appreciation to the Government of Nigeria and the National Space Research and Development Agency of Nigeria for co-sponsoring the United Nations/Nigeria Workshop on Space Law on the theme "Meeting international responsibilities and addressing domestic needs", held in Abuja from 21 to 24 November 2005 (A/AC.105/866 and Corr.1). The Subcommittee noted with appreciation that the Workshop had provided an overview of the United Nations treaties and principles on outer space, had addressed the development of national space laws and policies and had considered ways and means of enhancing the availability and development of university-level studies and programmes in space law, particularly in the African region. The Subcommittee also noted with appreciation that the Workshop had made a positive contribution to the dissemination and development of international and national space law and to the promotion of the universality of the five United Nations treaties on outer space.

41. The Subcommittee noted with appreciation that the next United Nations Workshop on Space Law would be hosted by Ukraine in Kyiv from 6 to 9 November 2006.

42. The Subcommittee noted that member States had been invited by IAF to participate in the next International Astronautical Congress, to be held in Valencia, Spain, in October 2006.

43. The full text of the statements made by delegations during the discussion on agenda item 7 is contained in unedited verbatim transcripts (COPUOS/Legal/T.738-741).

V. Matters relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union

44. The Legal Subcommittee recalled that the General Assembly, in its resolution 60/99, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Legal Subcommittee, at its forty-fifth session, taking into account the concerns of all countries, in particular those of developing countries, should consider matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union (ITU).

45. The Subcommittee had before it the following documents:

(a) Note by the Secretariat entitled "Questionnaire on possible legal issues with regard to aerospace objects: replies from Member States" (A/AC.105/635 and Add.1-13, Add.7/Corr.1 and Add.11/Corr.1);²

(b) Note by the Secretariat entitled "National legislation and practice relating to definition and delimitation of outer space" (A/AC.105/865 and Add.1).

46. The view was expressed that the exploitation of the geostationary orbit, which was a limited natural resource, should, in addition to being rational, be made available to all countries, irrespective of their current technical capacities, thereby providing them with the possibility of having access to the orbit under equitable conditions, bearing in mind, in particular, the needs and interests of developing countries, as well as the geographical position of certain countries and taking into account the process of ITU.

47. Some delegations expressed the view that the geostationary orbit was a limited natural resource with sui generis characteristics that risked saturation and that equitable access to it should therefore be guaranteed for all States, taking into account in particular the needs of developing countries and the geographical position of certain countries.

48. The view was expressed that access to the geostationary orbit should be provided to States on equitable conditions, taking into account, in particular, the needs and interests of developing countries, irrespective of their geographical location.

49. Some delegations referred to the consensus reached by the Scientific and Technical Subcommittee at its thirty-ninth session and expressed the view that, as

² A compilation of replies received from member States to the questionnaire is available on the website of the Office for Outer Space Affairs (<http://www.unoosa.org/oosa/SpaceLaw/aero/index.html>).

the geostationary orbit was an integral part of outer space, its use should be governed by the provisions of the United Nations treaties on outer space.

50. The view was expressed that the provisions of articles I and II of the Outer Space Treaty made it clear that a party to the Treaty could not appropriate any part of outer space, such as an orbital location in the geostationary orbit, either by claim of sovereignty or by means of use, or even repeated use.

51. Some delegations expressed their satisfaction with the agreement reached by the Subcommittee at its thirty-ninth session (A/AC.105/738, annex III), to the effect that coordination among countries aimed at the utilization of the geostationary orbit should be carried out in a rational and equitable manner and in conformity with the ITU Radio Regulations.

52. Some delegations were of the view that the current Constitution and Convention of ITU³ and the ITU Radio Regulations, as well as the current procedures set out in the treaties on international cooperation among countries and groups of countries with respect to the geostationary orbit and other orbits, took fully into account the interests of States in the use of the geostationary orbit and the radio-frequency spectrum.

53. Some delegations were of the view that, in order for the agreement reached by the Legal Subcommittee at its thirty-ninth session to be successfully implemented, it was necessary for ITU to participate and to play an effective role. To that end, the relationship between ITU and the Committee should become closer and more effective.

54. The Subcommittee decided to invite ITU to participate in its sessions on a regular basis and to submit reports on its activities relating to the exploitation of the geostationary orbit on an annual basis.

55. It was agreed that the participation of ITU in the work of the Subcommittee would be in the spirit of paragraph 62 of General Assembly resolution 60/99, in which the Assembly had requested entities of the United Nations system and other international organizations to continue and, where appropriate, to enhance their cooperation with the Committee on the Peaceful Uses of Outer Space and to provide it with reports on the issues dealt with in the work of the Committee and its subsidiary bodies.

56. The view was expressed that the question of the definition and delimitation of outer space was linked to the issue of the geostationary orbit.

57. The view was expressed that scientific and technological progress, the commercialization of outer space, emerging legal questions and the increasing use of outer space in general had made it necessary for the Legal Subcommittee to consider the question of the definition and delimitation of outer space.

58. Some delegations expressed the view that the lack of a definition or delimitation of outer space brought about legal uncertainty concerning the applicability of space law and air law and that matters concerning state sovereignty and the boundary between air space and outer space needed to be clarified in order to reduce the possibility of disputes among States.

³ United Nations, *Treaty Series*, vol. 1825, No. 31251.

59. The view was expressed that States should continue to operate under the current framework, which was functioning well, until such time as there was a demonstrated need and a practical basis for developing a definition or delimitation of outer space. That delegation was of the view that currently an attempt to define or to delimit outer space would be a theoretical exercise, could lead to complicating existing activities and might not be able to anticipate continuing technological developments.

60. The Subcommittee noted that Colombia was developing, with the assistance of the Office for Outer Space Affairs, a project entitled “Geostationary orbit analyser tool”, illustrating the non-homogeneous use of the orbit-spectrum resources.

61. As mentioned in paragraph [...] above, at its 732nd meeting, on [...] April 2006, the Legal Subcommittee reconvened its Working Group on the Definition and Delimitation of Outer Space and elected José Monserrat Filho (Brazil) as Chairman of the Working Group. In accordance with the agreement reached by the Subcommittee at its thirty-ninth session and endorsed by the Committee on the Peaceful Uses of Outer Space at its forty-third session, and subsequently endorsed by the General Assembly in its resolution 60/99, the Working Group was convened only to consider matters relating to the definition and delimitation of outer space.

62. The Working Group held five meetings. At its [fifth] meeting, on [...] April, the Subcommittee endorsed the report of the Working Group, which is contained in annex [...] to the present report.

63. The full text of the statements made by delegations during the discussion on agenda item 8 is contained in unedited verbatim transcripts (COPUOS/Legal/T.[...]-[...]).

VI. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space

64. The Legal Subcommittee recalled that the General Assembly, in its resolution 60/99, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Legal Subcommittee, at its forty-fifth session, taking into account the concerns of all countries, in particular those of developing countries, should consider the review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (Assembly resolution 47/68) as a single issue/item for discussion.

65. The Subcommittee noted with satisfaction the progress made by the Scientific and Technical Subcommittee at its forty-third session, in accordance with its multi-year workplan to establish the objectives, scope and attributes of an international, technically based framework of goals and recommendations for the safety of nuclear power source applications in outer space.

66. The Subcommittee noted that the Joint Technical Workshop on the Objectives, Scope and General Attributes of a Potential Technical Safety Framework for Nuclear Power Sources in Outer Space, organized by the Scientific and Technical Subcommittee and the International Atomic Energy Agency (IAEA) in Vienna from 20 to 22 February 2006 had been well received by member States and had been important for the development of an international consensus on a technically based

framework for the safe use of nuclear power sources in outer space and that close coordination between the two organizations would contribute in a more effective manner to the preparation of such an international framework.

67. The view was expressed that the establishment of a committee, composed of experts from IAEA and the two subcommittees of the Committee on the Peaceful Uses of Outer Space, could lead to the preparation of a document that would take into consideration scientific, technical, legal and strategic aspects and that would enable the Legal Subcommittee to open the debate regarding a potential revision of the principles governing the use of nuclear power sources.

68. The view was expressed that the Legal Subcommittee could consider the question of a possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space and the development of international standards and norms in the field of nuclear power sources and that, if such a review was undertaken, the Subcommittee could benefit from the experience of other international organizations, such as IAEA, and of those States which had already developed relevant legislative norms.

69. The view was expressed that the establishment of cooperation between UNESCO and the Legal Subcommittee on the use of nuclear power sources in outer space would be important.

70. The Legal Subcommittee agreed that it was necessary to continue examining the issue and that the item should remain on its agenda.

71. The full text of the statements made during the discussions on agenda item 9 is contained in unedited verbatim transcripts (COPUOS/Legal/T.740-742).

VII. Examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment

72. The Legal Subcommittee recalled that the General Assembly, in its resolution 60/99, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee should consider an agenda item entitled “Examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment”, as a single issue/item for discussion.

73. At the 737th meeting of the Subcommittee, on 6 April 2006, the observer for ICAO made a statement concerning the assumption of the role of Supervisory Authority by ICAO under the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (Aircraft Protocol). At the 739th meeting, on 7 April, the observer for Unidroit reported to the Subcommittee on developments concerning the draft space assets protocol.

74. The Subcommittee noted that the Convention on International Interests in Mobile Equipment and the Aircraft Protocol had entered into force on 2 November 2005 and that, pursuant to article 16 of the Convention, the International Registry on aircraft equipment had been established and had entered into operation on

1 March 2006 for the registration of international interests in aircraft equipment. The Subcommittee also noted that ICAO had assumed the role of Supervisory Authority under the Aircraft Protocol and that the Regulations and Procedures for the International Registry had been published and were available on the website of ICAO. The Subcommittee further noted that the ICAO Council had decided to establish a commission of experts, nominated by the signatory and contracting States of the Convention and the Aircraft Protocol, to assist the Council in its functions as Supervisory Authority.

75. The Subcommittee noted that Unidroit continued to be fully committed to the timely completion of work on the draft space assets protocol and that the States members of the Committee on the Peaceful Uses of Outer Space had been invited to the third session of the Committee of Governmental Experts, tentatively scheduled to be held in Rome from 11 to 15 December 2006. The Subcommittee also noted that a number of consultations would be held prior to that session, to advance progress on outstanding issues.

76. The Subcommittee noted the request from the Unidroit secretariat to member States of the Committee to provide it with information on which services should be considered as “public services” for the purposes of article XVI, paragraph 3, of the draft space assets protocol and how those services were presently protected at the national level. The Subcommittee also noted the invitation from the Unidroit secretariat to member States of the Committee to post comments on the special web forum created by ITU to develop proposals relating to the future international registration system for space assets.

77. Some delegations expressed the view that the draft space assets protocol offered an opportunity to facilitate the expansion of the commercial space sector by setting up a framework through which States could support a system of assets-based financing. Those delegations were of the view that the draft protocol would allow a broader range of States, in all regions and at all levels of economic development, to benefit from that expansion by providing a better opportunity to acquire interests in space equipment and acquire services generated from space equipment.

78. Some delegations expressed their support for the United Nations assuming the function of Supervisory Authority, through its Office for Outer Space Affairs.

79. The view was expressed that the United Nations assumption of the role of Supervisory Authority should be supported because that would enhance the role of the United Nations in promoting international cooperation for the benefit of all countries and in encouraging the progressive development of international law and its codification.

80. The view was expressed that ICAO, by assuming the functions of Supervisory Authority under the Aircraft Protocol, demonstrated that there were no legal obstacles preventing a specialized agency of the United Nations system from assuming that role. That delegation expressed the view that the functions of the Supervisory Authority under the draft protocol could not be qualified as “commercial” and, therefore, would not fall outside the mandate of the United Nations.

81. The view was expressed that the International Registry on space assets would be a distinct entity from the United Nations Register of Objects Launched into Outer

Space and from the records maintained by ITU on the use of radio frequencies and related orbital locations.

82. The view was expressed that, if the Supervisory Authority were to be an intergovernmental organization, it would need to be immune from legal and administrative processes for all issues relating to the Registry and its operation and that such immunity should be stated in the draft protocol. That delegation noted that Unidroit was considering the possibility of other intergovernmental bodies undertaking the role of Supervisory Authority.

83. Some delegations expressed the view that the future protocol was intended to address only the distinct and important issue of financing for commercial space activities and not to affect the rights and obligations of parties to the outer space treaties or the rights and obligations of States members of ITU under its Constitution, Convention and Regulations. Those delegations also expressed the view that the draft space assets protocol would ultimately be negotiated by the States members of Unidroit through the Unidroit process.

84. Some delegations expressed the view that the attempt by a number of delegations to raise the issue of the appropriateness of the United Nations assuming the role of Supervisory Authority was disturbing. Those delegations expressed the view that, because consensus could not be reached on that issue at the forty-fourth session of the Legal Subcommittee and because the scope of the agenda item had been duly modified to take into account the lack of consensus, the question of the appropriateness of the United Nations assuming the role of the Supervisory Authority had been removed from the agenda of the Legal Subcommittee.

85. The view was expressed that, although there was no longer a working group considering the question of the appropriateness of the United Nations assuming the role of Supervisory Authority, the reformulated agenda item had been worded clearly and broadly enough to allow the Subcommittee to consider all issues regarding the draft protocol.

86. The view was expressed that although a space assets protocol would fuel the growth of space activities, it was not appropriate for the United Nations to assume the role of Supervisory Authority. That delegation expressed the view that, moreover, the present formulation of the draft protocol raised certain issues requiring attention and that Unidroit was working towards their resolution through the Committee of Governmental Experts. The delegation also stated that the Subcommittee had the responsibility to ensure that the legal regime established through the space treaties was not negatively affected and that that was the main intent of the present formulation of the agenda item.

87. The view was expressed that, while the draft protocol addressed in detail the rights and interests of the financier in case of any default on the part of the debtor, it did not adequately address the issues relating to the obligations of the creditor and the State to which the financier belonged, in particular the obligations of States under articles VI and VII of the Outer Space Treaty and article II, paragraph 1, of the Registration Convention.

88. The view was expressed that implementation of the future protocol must not affect the orbital slots and frequency spectrum bands allocated to States in accordance with the established rules of ITU, because it was possible that, in the

case of default, the financier taking control of the space asset might seek to make use of those orbital slots and the frequency spectrum band.

89. The view was expressed that the provisions of the space assets protocol must be compatible with the United Nations treaties on outer space and that, in case of any conflict with the treaties on outer space, the provisions of those treaties would prevail. That delegation was also of the view that forums and symposiums needed to be organized for all Member States, particularly for developing countries, with a view to providing information about certain aspects of the draft protocol that required clarification.

90. The view was expressed that the inclusion of an explicit reference in the draft protocol to the United Nations treaties on outer space as not being affected by the protocol would be a new act of reaffirmation and strengthening of the international legal regime governing outer space.

91. The view was expressed that consideration should be given to the establishment, by the conference of States parties to the Convention and the future space assets protocol, of a mechanism for appointing a Supervisory Authority consisting of States parties to the Convention, once the protocol has entered into force.

92. The view was expressed that the final decision regarding the designation of the Supervisory Authority remained with the diplomatic conference that would be convened to adopt the future protocol.

93. The Subcommittee agreed that the item should remain on the agenda of its forty-sixth session, in 2007.

94. The full text of statements made by delegations during the discussion on agenda item 10 is contained in unedited verbatim transcripts (COPUOS/Legal/T.734-740).
