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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Forty-sixth session
Vienna, 26 March-5 April 2007

Draft report

Addendum

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

1. The Legal Subcommittee recalled that the General Assembly, in its resolution 61/111, 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.
2. At the 758th meeting of the Subcommittee, on 2 April 2007, the observer for Unidroit reported to the Subcommittee on developments concerning the draft space assets protocol.
3. The Subcommittee noted that the Protocol on Matters specific to Railway Rolling Stock to the Convention on International Interests in Mobile Equipment had been adopted and opened for signature in Luxembourg on 23 February 2007 and that the seat of the future International Registry for railway rolling stock would be in Luxembourg.
4. The Subcommittee also noted that seven more States had become parties to both the Convention and the Protocol on Matters specific to Aircraft Equipment since the forty-fifth session of the Subcommittee, in 2006 and that the total number of States parties to both the Convention and that Protocol was currently 16.
5. The Subcommittee was informed that in the first 10 months of operation of the International Registry for aircraft objects, 33,500 interests were registered in



15,000 aircraft, helicopters and aircraft engines and that the International Registry had already accounted for over 50 per cent of the world's commercial aircraft transactions.

6. The Subcommittee noted that Unidroit continued to be fully committed to the timely completion of work on the draft space assets protocol, having given it priority status in its work programme for the period 2006-2008, and that every effort was being made to reconvene the Unidroit Committee of Governmental Experts for its third session by the end of 2007. The Subcommittee also noted that a number of documents had been prepared and that consultations would continue prior to the third session of the Committee of Governmental Experts, to be held in New York on 19 and 20 June 2007, to advance progress on outstanding issues.

7. The Subcommittee further noted that a number of entities had expressed interest in maintaining the international registry to be established under the future space assets protocol.

8. The Subcommittee thanked the observer for Unidroit for his comprehensive report.

9. Some delegations expressed their support for the progress being made on the protocols to the Convention on International Interests in Mobile Equipment and looked forward with great interest to the continuation and successful completion of the work on the draft space assets protocol.

10. The view was expressed that before finalization of the draft space assets protocol, several important issues would need to be resolved to guarantee compatibility between the future international registry on space assets and the Register of Objects Launched into Outer Space, maintained by the Secretary-General pursuant to the Registration Convention. Those issues included the definition of space assets, ensuring the non-interference of the registry and reservations concerning "public service" obligations.

11. The view was expressed that in finalizing the draft space assets protocol, consideration should be given to harmonizing the financial aspects of the protocol with the sovereign rights of States and their access to natural resources.

12. 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 asset-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 to acquire services generated from space equipment.

13. Some delegations expressed the view that the future space assets protocol was intended to address only the distinct and important issue of financing for commercial space activities and was not intended 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 Radio Regulations and that that principle would be explicit in the text of any space assets protocol. 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.

14. The view was expressed that the United Nations could assume the role of Supervisory Authority under the future space assets protocol.
15. The view was expressed that it was not appropriate for the United Nations to assume the role of Supervisory Authority. That delegation expressed the view 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.
16. The Subcommittee agreed that the participation of the Office for Outer Space Affairs as an observer in the Unidroit negotiating sessions was useful and that the continued participation of the Office would be helpful.
17. The Subcommittee agreed that the item should remain on the agenda of its forty-seventh session, in 2008.
18. The full text of statements made by delegations during the discussion on agenda item 8 is contained in unedited verbatim transcripts (COPUOS/Legal/T.758-760).

VIII. Practice of States and international organizations in registering space objects

19. The Legal Subcommittee recalled that the General Assembly, in its resolution 61/111, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee should consider the practice of States and international organizations in registering space objects, in accordance with the workplan adopted by the Committee.¹
20. The Subcommittee had before it a working paper submitted by the Chairman of the Working Group on the Practice of States and International Organizations in Registering Space Objects (A/AC.105/C.2/L.266).
21. The Subcommittee took note of the comments on registration practice provided by ILA in its report to the Subcommittee (A/AC.105/C.2/L.265, annex).
22. The Subcommittee noted with satisfaction that its work under agenda item 9 would encourage States to adhere to the Registration Convention, improve the application and enhance the effectiveness of the Convention and assist in developing and strengthening national legislative norms relating to the registration of objects launched into outer space. In that sense, the Subcommittee agreed that it was important to continue efforts urging greater adherence to the Registration Convention, which would lead to more States registering space objects, and to encourage international organizations conducting space activities to declare their acceptance of the rights and obligations under the Convention.
23. The Subcommittee noted with satisfaction that the work conducted under its four-year workplan had demonstrated the great interest among member States in the

¹ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 20 (A/58/20)*, para. 199.

work under the agenda item. The work carried out under the agenda item had provided an example of productive and result-oriented work by the Subcommittee on an issue of considerable importance to all space-faring countries and non-space-faring countries involved in space activities. The Subcommittee also noted that the discussions under its four-year workplan had shed light on legal issues of great practical importance to national space activities.

24. The Subcommittee noted that Indonesia had established a national registry of space objects in 2006, to be maintained by the National Institute of Aeronautics and Space (LAPAN). The Subcommittee also noted that Kazakhstan had established a national registry of space objects in 2006 and registered the first national geostationary communication satellite, KazSat, under the Register of Objects Launched into Outer Space.

25. Some delegations expressed the view that the work carried out under the agenda item could be regarded as an example of how to deal with other issues considered by the Subcommittee.

26. The view was expressed that achieving the universal acceptance of the outer space treaty system and the universal establishment of national implementation systems were important for addressing the growing complexity of the registration of space objects arising from technological development and the increase in space activities by private entities and intergovernmental organizations conducting space activities.

27. The view was expressed that a number of legal issues and practical problems with regard to the registration of space objects were unclear and needed to be clarified.

28. As mentioned in paragraph [...] above, at its 748th meeting, on 26 March 2007, the Subcommittee reconvened its Working Group on the Practice of States and International Organizations in Registering Space Objects and elected Kai-Uwe Schrogl (Germany) Chairman of the Working Group. The Working Group held [...] meetings. At its [...] meeting, on [...] April 2007, the Subcommittee endorsed the report of the Working Group, which is contained in annex III to the present report.

29. The Subcommittee expressed its appreciation with the work carried out by the Working Group during the period 2005-2007. In particular, the Subcommittee expressed its satisfaction with the results achieved by the Working Group, in the form of elements of conclusions of the Working Group, contained in the appendix to annex III.

30. The Subcommittee was of the view that those elements of conclusions provided an important incentive for enhancing adherence to the Registration Convention and for establishing common practices for States and international organizations to follow in registering space objects.

31. The Subcommittee agreed that the appendix to the report of the Working Group, contained in annex III, together with the first six preambular paragraphs contained in paragraph 18 of document A/A.105/C.2/L.266 constituted the basis for a draft resolution for submission to the General Assembly, to be agreed upon at the fiftieth session of the Committee.

32. The full text of the statements made during the discussions on agenda item 9 is contained in unedited verbatim transcripts (COPUOS/Legal/T.741-744 and 747).

IX. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-seventh session

33. The Legal Subcommittee recalled that the General Assembly, in its resolution 61/111, had noted that the Subcommittee, at its forty-sixth session, would submit its proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Subcommittee at its forty-seventh session, in 2008.

34. The Chairman recalled the proposals for new items to be included in the agenda of the Legal Subcommittee that had been considered by the Subcommittee at its forty-fifth session and retained by their sponsors with a view to discussing them at subsequent sessions of the Subcommittee (see A/AC.105/871, para. 154).

35. On the basis of informal consultations conducted by Vladimír Kopal (Czech Republic), the Subcommittee agreed to include “Capacity-building in space law”, proposed by South Africa, as a new single issue/item on the agenda of the Subcommittee at its forty-seventh session, in 2008. The Subcommittee noted that the deliberations under that item would be aimed at promoting cooperation with and assistance to developing countries and agreed to review the possibility of extending that item beyond the forty-seventh session.

36. The Subcommittee also agreed to include “General exchange of information on national legislation relevant to the peaceful exploration and use of outer space”, proposed by the United States, as an item under the following four-year workplan:

2008	Request to Member States for national legislation relating to governmental and non-governmental space activities. Presentations by Member States of reports on their national legislation
2009	Examination, in a working group, of the responses received in order to develop an understanding of the manner in which Member States have regulated governmental and non-governmental space activities
2010	Working group continues to examine responses received and begins drafting its report, including conclusions
2011	Working group finalizes report to the Legal Subcommittee

The Subcommittee agreed that a working group should be established to consider that item in 2009, 2010 and 2011.

37. The Subcommittee agreed to invite IISL and ECSL to organize a symposium with the theme “Legal implications of space applications for global climate change”, to be organized during the afternoon meetings on the first and second day of its forty-seventh session, in 2008. That agreement by the Subcommittee was made with the aim of possibly including it as a single issue/item of the agenda of its forty-eighth session, in 2009.

38. The Legal Subcommittee agreed on the following items to be proposed to the Committee on the Peaceful Uses of Outer Space for inclusion in the agenda of the Subcommittee at its forty-seventh session:

Regular items

1. Opening of the session, election of the Chairman and adoption of the agenda.
2. Statement by the Chairman.
3. General exchange of views.
4. Status and application of the five United Nations treaties on outer space.
5. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
6. Matters relating to:
 - (a) The definition and delimitation of outer space;
 - (b) 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.

Single issues/items for discussion

7. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
8. 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.
9. Capacity-building in space law.

Items considered under workplans

10. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space.
2008: Request to Member States for national legislation relating to governmental and non-governmental space activities. Presentations by Member States of reports on their national legislation.

New items

11. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-eighth session.
39. The Legal Subcommittee agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space and the Working Group on Matters Relating to the Definition and Delimitation of Outer Space should be reconvened at its forty-seventh session.
40. The Subcommittee agreed to review, at its forty-seventh session, the need to extend the mandate of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space beyond that session of the Subcommittee.

41. The Subcommittee noted that the sponsors of the following proposals for new items to be included on its agenda intended to retain their proposals for possible discussion at its subsequent sessions:

(a) Review of the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting (General Assembly resolution 37/92, annex), with a view to transforming the text into a treaty in the future, proposed by Greece;

(b) Review of existing norms of international law applicable to space debris, proposed by the Czech Republic and Greece;

(c) Matters relating to the Principles Relating to Remote Sensing of the Earth from Outer Space (General Assembly resolution 41/65, annex), proposed by Chile and Colombia;

(d) Space debris, proposed by France and supported by member and cooperating States of ESA;

(e) Review of the Principles Relating to Remote Sensing of the Earth from Outer Space, with a view to transforming them into a treaty in the future, proposed by Greece;

(f) The appropriateness and desirability of drafting a universal comprehensive convention on international space law, proposed by China, Greece, the Russian Federation and Ukraine.

42. The Subcommittee expressed its deep appreciation to Vladimir Kopal (Czech Republic) for having conducted the informal consultations on proposals for new agenda items in an efficient manner.

43. The full text of the statements made during the discussions on agenda item 10 is contained in unedited verbatim transcripts (COPUOS/Legal/T.760-762).