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**Committee on the Peaceful
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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. In accordance with General Assembly resolution 63/90, the Legal Subcommittee considered agenda item 8, 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 794th meeting of the Subcommittee, on 30 March 2009, the Deputy Secretary General of the International Institute for the Unification of Private Law (Unidroit) read out a statement from Unidroit to the Subcommittee on developments concerning the draft space assets protocol.
3. The Subcommittee noted certain developments that had taken place since its forty-seventh session. The steering committee of Unidroit, established by the General Assembly of Unidroit to build consensus around provisional conclusions reached during intersessional work by government and industry, had made good progress in identifying appropriate solutions to the key outstanding issues. At its first meeting, held in Berlin from 7 to 9 May 2008, the steering committee had achieved consensus on some of those issues and had prepared an alternative version of the draft space assets protocol that reflected the decisions taken at that meeting. The alternative version, together with the results of meetings of the subcommittees of the steering committee on default remedies in respect of components and public service respectively, would be considered by the steering committee at its second meeting, to be held in Paris on 14 and 15 May 2009, with a view to assessing the



possibility of reconvening the committee of governmental experts in Rome from 3 November to 4 December 2009 and adopting the draft space assets protocol at a diplomatic conference in the third quarter of 2010.

4. Some delegations expressed their support for the progress made on the draft space assets protocol and looked forward to the continuation and successful completion of the drafting process.

5. 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 by space equipment.

6. Some delegations stated 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 United Nations treaties on outer space or the rights and obligations of States members of the International Telecommunication Union (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 stated that, while the draft space assets protocol would ultimately be negotiated by States members of Unidroit through the Unidroit process, that process had already included many States members of the Subcommittee and consideration of requests from States not members of Unidroit that wished to attend.

7. The view was expressed that the United Nations could act as supervisory authority under the future space assets protocol, which would enhance the role of the United Nations in promoting international cooperation for the benefit of all countries and in further developing international law.

8. The view was expressed that, due to the lack of consensus, further consideration of the possibility of the United Nations serving as supervisory authority for the registry under the draft space assets protocol was not deemed useful.

9. 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 frequency spectrum bands.

10. The view was expressed that a major unresolved issue concerned the competence of national courts to enforce judicial decisions on matters related to outer space.

11. The Subcommittee expressed its satisfaction with the participation of the Office for Outer Space Affairs as an observer in the negotiating sessions of Unidroit and agreed that the Office should continue participating in those sessions.

12. The Subcommittee agreed that this item should remain on the agenda for its forty-ninth session, in 2010.

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

VIII. Capacity-building in space law

14. In accordance with General Assembly resolution 63/90, the Subcommittee considered, as a single issue/item for discussion, agenda item 9, entitled “Capacity-building in space law”.

15. The Subcommittee had before it the following:

(a) Conference room paper containing a directory of education opportunities in space law (A/AC.105/C.2/2009/CRP.4);

(b) Conference room paper containing the preliminary draft education curriculum on space law (A/AC.105/C.2/2009/CRP.5);

(c) Conference room paper containing information submitted by China, the Czech Republic, Germany, Japan, Poland, Saudi Arabia and by the Office for Outer Space Affairs on actions and initiatives to build capacity in space law (A/AC.105/C.2/2009/CRP.7);

(d) Conference room paper containing information submitted by France on actions and initiatives to build capacity in space law (A/AC.105/C.2/2009/CRP.7/Add.1).

16. The Subcommittee agreed that capacity-building, training and education in space law were of paramount importance to national, regional and international efforts to further develop the practical aspects of space science and technology and to increase knowledge of the legal framework within which space activities were carried out, and emphasized the important role of the Subcommittee in that regard.

17. The view was expressed that active dissemination of knowledge, experiences and best practices in space law was needed to provide the necessary basis for supporting the rapid development of space technology.

18. The view was expressed that the general exchange of information on national legislation relevant to the peaceful exploration and use of outer space, the subject of deliberations under agenda item 11, enabled States with effective legal regimes in space law to provide other States with concrete examples and information on space-related legislation, thereby contributing to building capacity in space law.

19. The Subcommittee noted with appreciation that a number of national, regional and international efforts to build capacity in space law were being undertaken by governmental and non-governmental entities and institutions. Those efforts included encouraging universities to offer modules on space law as part of existing international law courses or as specialized programmes; providing fellowships for graduate and postgraduate education in space law; assisting the development of national space legislation and policy frameworks; organizing workshops, seminars and other activities to promote greater understanding of space law; conducting research and preparing studies, papers and publications; supporting space law moot

court competitions; and supporting entities dedicated to the study of and research relating to space law.

20. The Subcommittee noted with appreciation that, in response to its request at its forty-sixth session, the Office for Outer Space Affairs had continued to work with space law educators and representatives of the regional centres for space science and technology education, affiliated to the United Nations, to develop a curriculum on space law and agreed that the preliminary draft of that curriculum, as contained in conference room paper A/AC.105/C.2/2009/CRP.5, was a positive step forward.

21. The Subcommittee expressed its appreciation to the educators and representatives of the regional centres for their work in developing the curriculum and agreed that it was a tool for the dissemination of knowledge on space law, especially in developing countries, and represented an important contribution to building capacity in space law.

22. The Subcommittee recommended that comments on the preliminary draft curriculum on space law should be transmitted in writing, through the Office for Outer Space Affairs, to the educators and representatives of the regional centres participating in its development, for their consideration.

23. The Subcommittee recommended that the curriculum be structured in such a manner that it might also serve as a basis for other educational institutions and training initiatives.

24. The Subcommittee noted that the regional centres for space science and technology education, affiliated to the United Nations, could play an important role in supporting capacity-building in space law.

25. The view was expressed that, in order for the regional centres for space science and technology education to undertake the additional challenge of building capacity in space law, the current lack of adequate support for their activities, particularly with respect to material resources, would need to be addressed.

26. The view was expressed that the Office for Outer Space Affairs should, in cooperation with the International Institute of Space Law, develop a short lecture on space law for distance-learning purposes.

27. The Subcommittee noted with satisfaction that the Office for Outer Space Affairs had updated the directory of education opportunities in space law, including information on available fellowships and scholarships (A/AC.105/C.2/2009/CRP.4).

28. The view was expressed that a consultative group, consisting of educational institutions reflected in the directory, should be established as a network to support the work of the Subcommittee under this item.

29. The Subcommittee noted that the workshops organized by the Office for Outer Space Affairs were a valuable contribution to capacity-building in space law.

30. The Subcommittee noted that the next United Nations workshop on space law would be held in Tehran in November 2009.

31. The Subcommittee also noted that the Office for Outer Space Affairs had continued to provide technical legal advisory support to member States on issues relating to space law and had participated in other initiatives to build capacity in space law, including the Seventeenth ECSL Summer Course on Space Law and

Policy, held in Genoa, Italy, from 1 to 12 September 2008, and a regional seminar on space law hosted by the Government of Ecuador on 26 and 27 August 2008.

32. The Subcommittee noted that the European Space Agency and the European Centre for Space Law (ECSL) had supported the organization of space law activities in African countries bordering the Mediterranean.

33. The Subcommittee noted that the scholarship programmes of the German Academic Exchange Service and the Alexander von Humboldt Foundation of Germany offered numerous study and research opportunities in all areas of study and that those programmes were open to students, graduates and academics from developing countries.

34. The Subcommittee noted that the courses on space law offered by public education institutions in France were free of charge for both French and foreign students.

35. Some delegations expressed the view that additional efforts were needed, including by the Office for Outer Space Affairs, to encourage more institutions and organizations from developed countries to provide scholarships for students from developing countries with a view to strengthening space law, in line with the recommendations of the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III).

36. Some delegations expressed the view that special measures were necessary to address the lack of opportunities for education in space law in Africa, particularly in sub-Saharan Africa, and the limited availability in the region of local experts to teach space law.

37. The view was expressed that, in order to build capacity in space law, the Office for Outer Space Affairs should consider contributing to, and participating in, the African Leadership Conference on Space Science and Technology, including by establishing a practitioners' forum similar to that organized by ECSL.

38. The view was expressed that the creation of centres of excellence to train experts in space law would support capacity-building in space law, particularly in developing countries, and that training opportunities with space-related organizations and institutions should be established.

39. The view was expressed that a regional centre for space science and technology education for the benefit of Arabic-speaking countries should be established in Western Asia.

40. The Subcommittee noted with appreciation that an international centre for space law would be established by the Governments of Argentina and Brazil.

41. The view was expressed that the creation of a dedicated space law database and Web-based electronic resources and the establishment of forums for practitioners would facilitate networking among space law experts.

42. Some delegations expressed the view that the Office for Outer Space Affairs should deepen and strengthen its programme to build capacity in space law, notwithstanding the expected budgetary cut for the biennium 2010-2011.

43. The Subcommittee requested the Office for Outer Space Affairs to prepare a report for the forty-ninth session of the Subcommittee setting out the

recommendations relating to capacity-building in space law made to date and the status of their implementation and proposing ways and means of giving practical effect to those recommendations.

44. The Subcommittee recommended that member States and permanent observers of the Committee on the Peaceful Uses of Outer Space inform the Subcommittee, at its forty-ninth session, of any actions taken or planned at a national, regional or international level to build capacity in space law.

45. The Subcommittee recommended that the United Nations University be invited to report on its activities relating to capacity-building in space law.

46. The full text of the statements made by delegations during the discussion on agenda item 9 is contained in unedited verbatim transcripts (COPUOS/Legal/T.790- [...] - [...]).
