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**Committee on the Peaceful  
Uses of Outer Space**  
Legal Subcommittee  
Fifty-second session  
Vienna, 8-19 April 2013

**Draft report****VIII. Examination and review of the developments concerning the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets**

1. Pursuant to General Assembly resolution 67/113, the Subcommittee considered agenda item 9, entitled “Examination and review of the developments concerning the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets”, as a single item for discussion.
2. The representatives of Belgium, Canada, France, Germany, Greece, Italy and the United States made statements under agenda item 9. Statements under the item were also made by the observers for ITU and Unidroit.
3. At its 861st meeting, on 9 April, the Subcommittee heard a statement by the observer for Unidroit in which he apprised the Subcommittee of developments in relation to the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets since the fifty-first session of the Subcommittee.
4. The Subcommittee commended Unidroit for its continuous efforts to promote the early entry into force of the Protocol.
5. The Subcommittee noted that, since its adoption on 9 March 2012, the Protocol had been signed by Burkina Faso, Germany, Saudi Arabia and Zimbabwe and that, in order for it to enter into force, 10 ratifications or accessions were needed, as well as certification by the supervisory authority confirming that the international registry for space assets was fully operational.
6. The Subcommittee also noted that ITU continued to express its interest in becoming the supervisory authority, subject to the matter being considered by the



governing bodies of ITU and without prejudice to the decision to be taken by them in that regard.

7. The Subcommittee further noted that the first session of the Preparatory Commission for the Establishment of the International Registry for Space Assets would be held in Rome on 6 and 7 May 2013 and that the Commission would be composed of experts nominated by Brazil, China, the Czech Republic, France, India, Italy, Germany, the Russian Federation, Saudi Arabia, South Africa, Spain and the United States. In that connection, the Subcommittee noted that it was expected that, at its forthcoming session, the Preparatory Commission might consider, among other things, (a) setting up a working group to draft regulations for the future international registry for space assets; (b) setting up a working group to draft a request for proposals for the selection of the registrar of the registry; and (c) the issue of the appointment of the supervisory authority of the registry.

8. The Subcommittee noted with satisfaction that the official commentary on the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets was being finalized and would be submitted to the Unidroit Governing Council at its 92nd session, to be held in Rome from 8 to 10 May 2013, with a view to its publication.

## **X. General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee**

9. Pursuant to General Assembly resolution 67/113, the Subcommittee considered agenda item 11, entitled “General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee”, as a single item for discussion.

10. The representatives of Austria, Belgium, Brazil, Canada, China, the Czech Republic, France, Germany, Japan, Mexico, the Netherlands and the United States made statements under agenda item 11. A statement was also made by the representative of Chile on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

11. The Subcommittee noted with satisfaction that the endorsement by the General Assembly, in its resolution 62/217, of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space was an important step in providing all spacefaring nations with guidance on how to mitigate the problem of space debris.

12. The Subcommittee noted that the exchange of information under agenda item 11 would assist States in understanding the different approaches, including the development of national regulatory frameworks, that States had taken to mitigate and prevent the increase in space debris.

13. The Subcommittee noted with satisfaction that some States were implementing space debris mitigation measures consistent with the Space Debris Mitigation

Guidelines of the Committee and/or the Inter-Agency Space Debris Coordination Committee (IADC) Space Debris Mitigation Guidelines and that other States had developed their own space debris mitigation standards based on those guidelines. The Subcommittee also noted that some States were using the IADC Space Debris Mitigation Guidelines, the European Code of Conduct for Space Debris Mitigation and International Organization for Standardization (ISO) standard 24113 (Space systems: space debris mitigation requirements) as references in their regulatory frameworks for national space activities.

14. The Subcommittee noted with satisfaction that some States had taken measures to enforce the implementation of internationally recognized guidelines and standards related to space debris through relevant provisions in their national legislation.

15. The Subcommittee noted that some States had strengthened their national mechanisms governing space debris mitigation through the nomination of governmental supervisory authorities, the involvement of academia and industry and the development of new legislative norms, instructions, standards and frameworks.

16. Some delegations expressed the view that the Subcommittee should deepen its work relating to space debris and pay greater attention to the problem of collisions involving space debris and space objects, including space objects with nuclear power sources on board, as well as to other issues relating to space debris.

17. The view was expressed that it was important to pay attention to the problem of space debris not only in outer space, but also in cases of its uncontrolled return to the Earth's surface, and therefore to deepen corresponding international norms and standards in order to strengthen the safety of both persons and the environment.

18. Some delegations expressed the view that the Subcommittee should undertake a legal analysis of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space.

19. The view was expressed that granting the Space Debris Mitigation Guidelines of the Committee a higher legal status might help to reinforce the regulatory framework at the global level, and that the adoption of the Guidelines by the General Assembly could be a satisfactory option.

20. Some delegations expressed the view that the Subcommittee should develop legally binding mitigation standards that would take into account the historical responsibility of spacefaring nations for the problem, so that undue costs were not imposed on the space programmes of developing countries.

21. The view was expressed that the issue of space debris could not be restricted to its technological aspects or left solely to voluntary commitments, as incidents involving space debris could have serious legal implications.

22. The view was expressed that the serious challenge posed by space debris to the peaceful uses of outer space justified a broader consideration of regulatory mechanisms beyond the context of national measures relating to space debris mitigation.

23. Some delegations expressed the view that the Subcommittee should consider the matters relating to space debris not only through the review of legal

mechanisms, but also by looking at other instruments, such as the Rio Declaration on Environment and Development, in particular its principle 2.

24. The view was expressed that the Legal Subcommittee should cooperate with the Scientific and Technical Subcommittee in developing binding rules for space debris mitigation.

25. The view was expressed that a non-binding approach to the regulation of matters relating to space debris mitigation was effective and beneficial for all nations if implemented domestically through policy or regulation.

26. Some delegations expressed the view that the international standards on space debris mitigation were living documents; they could be adapted to the latest developments in and knowledge of space debris mitigation measures and thus assist in avoiding gaps between the development of technology and actual space operations.

27. The view was expressed that enlightened self-interest in the safety and sustainability of space activities, rather than the force of legal obligations, was the main driver for States to take measures to mitigate space debris.

28. Some delegations expressed the view that the Legal Subcommittee could benefit from the work of the Scientific and Technical Subcommittee, its Working Group on the Long-term Sustainability of Outer Space Activities and the subsidiary expert groups of that Working Group.

29. Some delegations expressed the view that the efforts of the Working Group on the Long-term Sustainability of Outer Space Activities and its expert groups to develop a set of technical guidelines were consistent with the principles of the existing international framework governing the activities of States in outer space.

30. Some delegations expressed the view that the report of the Working Group on the Long-term Sustainability of Outer Space Activities should serve as a basis for identifying substantive topics that could be considered by the Legal Subcommittee.

31. The view was expressed that the ongoing work on the long-term sustainability of space activities in the Scientific and Technical Subcommittee had shown that that topic involved a number of regulatory issues that ought to be addressed by the Legal Subcommittee.

32. Some delegations expressed the view that States should strengthen their collaboration and dialogue in order to identify areas of concern and to advance solutions to space debris issues.

33. Some delegations expressed the view that the resolution of the problem of space debris would ensure the long-term sustainability of outer space activities, increase transparency in the exploration and peaceful uses of outer space and strengthen international space cooperation.