



General Assembly

Distr.: Limited
6 April 2011

Original: English

**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Fiftieth session
Vienna, 28 March-8 April 2011

Draft report

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. Pursuant to General Assembly resolution 65/97, the 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. The representatives of Canada, China, the Czech Republic, Germany, Indonesia, Italy, Japan, Saudi Arabia and the United States made statements under agenda item 8. During the general exchange of views, statements related to that item were made by representatives of other member States.
3. At its 830th meeting, on 4 April, the Subcommittee heard a statement by the observer for Unidroit on developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment.
4. The Subcommittee noted with satisfaction the progress in the preparation of a draft protocol on space assets achieved by the Unidroit committee of governmental experts, which had held its fourth session from 3 to 7 May 2010 and its fifth session from 21 to 25 February 2011, both in Rome. In that connection, the Subcommittee noted that the Unidroit committee had agreed on a new definition of the term “space asset”, a new public service rule and a rule specifying the criteria for the identification of space assets for registration purposes, and it had also agreed on alternatives with regard to default remedies in relation to components for which consensus had not been reached.



5. The Subcommittee also noted that the Unidroit committee of governmental experts had recommended to the Unidroit Governing Council that it authorize the transmission of the preliminary draft protocol, as amended, for adoption by a diplomatic conference and that the Council would consider that matter at its ninetieth session, to be held in Rome from 9 to 11 May 2011.
6. Some delegations were of the view that the future protocol on space assets would promote new space applications, serve the interests of developing countries, facilitate the expansion of the commercial space sector and enlarge the number of States able to conduct space activities.
7. The view was expressed that the future protocol on space assets should correspond with the United Nations treaties and principles on outer space and that it should balance the interests of governmental and non-governmental entities, as well as protect the interests of developing countries, in particular by providing for their continuous access to the public services delivered by space assets.
8. Some delegations were of the view that the future protocol on space assets would not be aimed at affecting the rights and obligations of States parties to the United Nations treaties on outer space and to the instruments of ITU and that it would be aimed at addressing only the distinct issue of private transactional law related to financing commercial space assets.
9. The view was expressed that the current formulation of the draft protocol on space assets provided sufficient flexibility for addressing the modern realities of space activities and kept the balance between the continuation of public service and the interests of a claimant and that provisions of draft article I, paragraph 3, provided for efficient application of the draft protocol.
10. Some delegations were of the view that, unless the provisions of the draft protocol on space assets could be further improved to produce economic benefits and gain sufficient support among users, it was not clear that those objectives would be met or that that type of treaty framework would be able to meet, under the present circumstances, the needs of commercial finance in the space sector.
11. The view was expressed that the Legal Subcommittee could renew its consideration of the concept “launching State” to determine if a financing State should be qualified as a “launching State”.
12. The view was expressed that it was important that the application of the future protocol on space assets ensured the continuous use of outer space for peaceful purposes.
13. The Subcommittee agreed that the item should remain on its agenda.
14. The full text of the statements made during the discussion on agenda item 8 is contained in unedited verbatim transcripts (COPUOS/Legal/T.[...]-[...]).

VIII. Capacity-building in space law

15. Pursuant to General Assembly resolution 65/97, the Subcommittee considered agenda item 9, entitled “Capacity-building in space law”, as a single issue/item for discussion.

16. The representatives of Austria, Brazil, Canada, China, the Czech Republic, Germany, Japan, Saudi Arabia, South Africa, Spain and the United Kingdom made statements under agenda item 9. During the general exchange of views, statements relating to that item were made by representatives of other member States, by the representative of Colombia on behalf of the Group of Latin American and Caribbean States, the representative of Venezuela (Bolivarian Republic of) on behalf of the Group of 77 and China and by the observer for ESA.

17. The Subcommittee had before it the following:

(a) Report on the United Nations/Thailand Workshop on Space Law on the theme “Activities of States in outer space in the light of new developments: meeting international responsibilities and establishing national legal and policy frameworks”, held in Bangkok from 16 to 19 November 2010 (A/AC.105/989);

(b) Conference room paper containing a directory of educational opportunities in space law (A/AC.105/C.2/2011/CRP.3);

(c) Conference room paper containing the draft Education Curriculum on Space Law (A/AC.105/C.2/2011/CRP.5);

(d) Conference room paper containing information submitted by Austria, Japan, Ukraine and the United Kingdom on actions and initiatives to build capacity in space law (A/AC.105/C.2/2011/CRP.6);

(e) Conference room paper containing information submitted by the Netherlands on actions and initiatives to build capacity in space law (A/AC.105/C.2/2011/CRP.14);

(f) Activities of States in outer space in the light of new developments: meeting international responsibilities and establishing national legal and policy frameworks — proceedings of the United Nations/Thailand Workshop on Space Law (ST/SPACE/54).

18. 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. It was emphasized that the Subcommittee had an important role in that regard.

19. The view was expressed that adequate support, through the provision of both expertise and material and financial resources, was necessary to enable institutions to effectively conduct courses on space law.

20. 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. Those efforts included encouraging universities to offer modules on space law; providing fellowships for graduate and postgraduate education in space law; assisting in the development of national space legislation and policy frameworks; organizing workshops, seminars and other specialized activities to promote greater understanding of space law; providing financial and technical support for legal research; preparing dedicated studies, papers and publications on space law; supporting space law moot court competitions; supporting the participation of young professionals in regional and

international meetings relating to space law; providing for training and other opportunities to build experience; and supporting entities dedicated to the study of and research relating to space law.

21. Some delegations expressed the view that cooperation agreements with public and private educational institutions and with interregional organizations for the promotion of capacity-building programmes related to space law were needed to enable the exchange of knowledge and capacity-building in space law at the national and regional levels for the benefit of developing countries.

22. Some delegations expressed the view that more effective efforts were needed to increase awareness of the importance of space law and the legal framework governing outer space activities and that greater support was needed to promote North-South and South-South cooperation to facilitate the sharing of knowledge with respect to space law among countries, particularly for the benefit of developing countries.

23. The view was expressed that consideration should be given to compiling a list of internship opportunities in space law available around the world, as publicizing such opportunities would not only make future space lawyers more aware of training opportunities but also deepen mutual understanding among countries engaged in space activities.

24. The Subcommittee noted with appreciation the holding of the seventh United Nations workshop on space law, entitled “Activities of States in outer space in the light of new developments: meeting international responsibilities and establishing national legal and policy frameworks”. The workshop, held in Bangkok from 16 to 19 November 2010, had been hosted by the Government of Thailand and jointly organized by the Office for Outer Space Affairs and the Geo-Informatics and Space Technology Development Agency (GISTDA), with the support of ESA and APSCO.

25. The Subcommittee noted the plans of the Office for Outer Space Affairs to organize, jointly with the Government of Kenya and ESA, a session on space law on the margins of the Fourth African Leadership Conference on Space Science and Technology for Sustainable Development, to be held in Mombasa, Kenya, from 26 to 28 September 2011.

26. The Subcommittee noted with appreciation the work being carried out by the Office for Outer Space Affairs, along with space law educators and representatives of the regional centres for space science and technology education, affiliated to the United Nations, to develop the curriculum on space law and welcomed the updated draft circulated at the current session (A/AC.105/C.1/2011/CRP.5).

27. The Subcommittee noted with satisfaction that the Office for Outer Space Affairs had updated the directory of educational opportunities in space law (A/AC.105/C.2/2011/CRP.3), including information on available fellowships and scholarships, and agreed that the Office should continue to update the directory. In that connection, the Subcommittee invited member States to encourage contributions at the national level to the future updating of the directory.

28. The view was expressed that capacity-building initiatives should include a variety of options, including online courses at a reasonable cost, in order to reach a wider audience.

29. The Subcommittee recommended that member States and permanent observers of the Committee inform the Subcommittee, at its fifty-first session, of any action taken or planned at the national, regional or international level to build capacity in space law.

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

X. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space

31. Pursuant to General Assembly resolution 65/97, agenda item 11, entitled “General exchange of information on national legislation relevant to the peaceful exploration and use of outer space”, was considered in accordance with the multi-year workplan for the period 2008-2011 adopted by the Committee on the Peaceful Uses of Outer Space at its fiftieth session (A/62/20, para. 219).

32. The representatives of Germany, the Russian Federation and the United States made statements under agenda item 11. During the general exchange of views, statements relating to that item were made by representatives of other member States.

33. At its 820th meeting, on 28 March, the Subcommittee reconvened the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space under the chairmanship of Irmgard Marboe (Austria). The Working Group held [...] meetings. The Subcommittee, at its [...] meeting, on [...] April, endorsed the report of the Working Group contained in annex [...] to the present report.

34. For its consideration of the item, the Subcommittee had before it the following:

(a) Note by the Secretariat containing information received from the Czech Republic and Spain on national legislation relevant to the peaceful exploration and use of outer space (A/AC.105/957/Add.1);

(b) Conference room paper containing the draft report of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space (A/AC.105/C.2/2011/CRP.4);

(c) Conference room paper containing information received from Italy and Ukraine on national legislation relevant to the peaceful exploration and use of outer space (A/AC.105/C.2/2011/CRP.7);

(d) Conference room paper containing a schematic overview of national regulatory frameworks for space activities (A/AC.105/C.2/2011/CRP.9);

(e) Conference room paper containing information received from El Salvador on national legislation relevant to the peaceful exploration and use of outer space (A/AC.105/C.2/2011/CRP.13).

35. The Subcommittee heard the following presentations:

(a) “Centre national d’études spatiales (CNES) presentation: space debris activities; registration issues”, by the representative of France;

(b) “Federal Aviation Administration definitions”, by the representative of the United States.

36. The Subcommittee agreed that the general exchange of information on national legislation relevant to the peaceful exploration and use of outer space had provided States with a comprehensive overview of the current status of national space laws and regulations and assisted States in understanding the different approaches taken at the national level for the development of national space-related regulatory frameworks.

37. The Subcommittee noted with satisfaction the increasing number of space-related international cooperation programmes and projects. In that connection, the Subcommittee noted the importance of the development of space legislation by States, as that legislation played a significant role in regulating and promoting such cooperation activities.

38. The Subcommittee noted that States continued to undertake efforts aimed at the development of new or the improvement of existing national space-related regulatory frameworks. The Subcommittee also noted that, in developing national space-related instruments, States paid attention to their obligations with regard to the United Nations treaties on outer space.

39. The Subcommittee noted that the discussion of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space had allowed member States to gain an understanding of existing national regulatory frameworks and that the work being conducted under agenda item 11 was already yielding concrete results, including the sharing of valuable insight with regard to the experiences of States in the development of their national space legislation.

40. The Subcommittee noted with appreciation that the Office for Outer Space Affairs continued to update the database on national space legislation and multilateral and bilateral agreements related to the peaceful exploration and use of outer space (see www.unoosa.org). In that regard, the Subcommittee encouraged States to continue to submit to the Office, for inclusion in the database, the texts of laws and regulations, bilateral and multilateral agreements and policy and other legal documents related to space activities.

41. The full text of the statements made during the discussion on agenda item 11 is contained in unedited verbatim transcripts (COPUOS/Legal/T.[...]-[...] and [...]).