



**UNIDROIT COMMITTEE OF GOVERNMENTAL EXPERTS
FOR THE PREPARATION OF A DRAFT PROTOCOL TO THE
CONVENTION ON INTERNATIONAL INTERESTS IN
MOBILE EQUIPMENT ON MATTERS SPECIFIC TO SPACE
ASSETS
Third session
Rome, 7/11 December 2009**

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**PRELIMINARY DRAFT PROTOCOL
TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT
ON MATTERS SPECIFIC TO SPACE ASSETS**

(as revised by the Committee of governmental experts at its first session
(Rome, 15/19 December 2003))

and

**ALTERNATIVE TEXT OF THE PRELIMINARY DRAFT PROTOCOL,
IMPLEMENTING POLICY ISSUES**

REFERRED TO AND EXAMINED BY THE STEERING COMMITTEE

(prepared, at the request of the Steering Committee,
for presentation to the Committee of governmental experts,
by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada)):

COMMENTS

on the alternative text

submitted by the Government of the Sudan

General comments

The delegation of the Sudan participating in the Committee of governmental experts, as a member of COPUOS, considers that the past two sessions of the UNIDROIT Committee of governmental experts have seen the making of progress in the drafting and preparation of a new Convention establishing an international legal framework for space assets likely to contribute to the economic development of all States, at the stage of developing policy.

First and foremost, the delegation of the Sudan supports the general objectives and principles of the preliminary draft Protocol, including the latest amendments for the following reasons:

1. The Protocol will provide the means and ways for funding space activities and all States will obtain benefits under it, whether or not they are active in Space.
2. It increased the necessity of commercial activities in Space.
3. It is designed for the economic benefit of all countries, especially developing countries.

4. The Protocol will contribute to space assets becoming available to States which did not have access to them in the past.

5. Also it will create and permit competition concerning space assets, which is likely, finally, to lead to lower prices.

6. The Protocol creates a legal system encouraging the provision of funding and reducing the cost of such funding.

7. It provides a chance for all States, especially those which did not ratify the international Conventions and Agreements on Outer Space, to obtain the benefits of space activities.

8. It provides a chance for all States, especially developing countries, to enhance and improve their infrastructure.

9. The Protocol is a key to success in the peaceful exploitation of space.

10. Also it provides a chance for the private sector to invest in space activities.

Specific comments

In general, we hail the great efforts accomplished by UNIDROIT, through various committees, in the preparation of this unique draft Protocol. We have only slight and few observations, which can be summarised as follows:

1. There was a great debate on the Supervisory Authority during the past discussions, some delegations seeking to have the United Nations as Supervisory Authority and others going in the opposite direction. In this regard, our delegation sees no need to provide for a Supervisory Authority for the following reasons:

(a) the objectives of the Protocol being of an international private law nature, it will become international law if the United Nations is designated Supervisory Authority;

(b) such provision would create a conflict with the U.N. General Assembly Resolution No. 1721 B (XVI) of 20 December 1961 on International cooperation in the peaceful uses of outer space;

(c) the other two Protocols did not make such a designation.

2. To provide greater confidence and so as not to create difficulties in practice, we see that there is a need to provide additional provisions concerning the approval of the Governments concerned to the transfer of a space asset so as to avoid any contradiction with the 1972 Convention on International Liability for Damage Caused by Space Objects.

3. There are many rights created under other international Conventions e.g. the Convention creating the International Telecommunication Union, hence the need to add a provision safeguarding such rights.

Otherwise, the delegation of the Sudan cannot deny the great effort made by UNIDROIT in inviting the States concerned to create a unique Protocol.

Finally, we hope, through our humble participation, that we may contribute to moving the Protocol forward and we thank UNIDROIT for its leadership and the Italian Government for kindly hosting these sessions.