

DECISION ON ITU BECOMING SUPERVISORY AUTHORITY OF THE INTERNATIONAL REGISTRATION SYSTEM FOR SPACE ASSETS UNDER THE SPACE PROTOCOL

WHEREAS:

- a. At the 2014 Plenipotentiary Conference, the Secretary-General provided a report ([PP-14 INF/1](#)) as a follow-up to the questions and comments raised by various Administrations during Council 2012, Council 2013, and Council 2014 relating to the possible role of the International Telecommunication Union (ITU) as Supervisory Authority of the International Registration System for Space Assets identified in the UNIDROIT Space Protocol.
- b. The subject was discussed further in Council 2015 and Council 2016, noting that the final decision of whether the ITU could/should become the Supervisory Authority should be taken at the next Plenipotentiary Conference in 2018.
- c. UNIDROIT is the International Institute for Unification of Private Law, which has developed the 3rd Space Protocol (previously Protocols were adopted for the aircraft and railway industries), and it is intended to help new entrants access satellite financing by giving creditors (lenders) rights over assets in space to be registered in an International Registry that requires a Supervisory Authority to manage it.
- d. The Space Protocol was adopted by a Diplomatic Conference in 2014 and has been signed by only four countries since then. None of these four countries has deposited their instrument of ratification, acceptance, approval or accession and as a result, the Protocol is not legally in force.
- e. The global satellite industry has voiced its opposition to the UNIDROIT Space Assets Protocol since 2009.
- f. The concerns expressed during the Council 2014 session on the financial, juridical as well as the technical implications on ITU assuming the role of Supervisory Authority such as the lack of correlation between the functions of the Supervisory Authority and ITU's mandate, the immunity of the ITU, the role of the ITU towards the Register, the participation of the ITU as observer in the work of the Preparatory Committee tasked to implement the Space Protocol, the evaluation of the impact that the acceptance or the refusal of ITU to play the role of Supervisory Authority could cause.
- g. The global satellite sector is booming in developed nations, as well as across emerging economies on all world continents.
- h. PCC.II is the forum of experts in the Americas where the satellite industry can share their concerns with CITEL Member States.
- i. Documents 4527 and 4662 were discussed during the 31 PCC.II meeting and reflect views expressed on this matter.

DECIDES:

¹ PCC.II-2018-31-4677r1_i

- 1) To instruct the CITEI Secretariat to bring this issue to the attention of the CITEI Executive Committee's Working Group on Preparations for Conferences (GTPC) for PP-18 for consideration.
- 2) To invite CITEI administrations to consider submitting contributions with the aim of addressing this issue at the upcoming GTPC in August 2018.