

# INTERNATIONAL INSTITUTE OF SPACE LAW

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## NEWSLETTER No. 73 - JANUARY 2008

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### NOTE FROM THE NEW PRESIDENT

Tanja Masson-Zwaan became President of the International Institute of Space Law on 1 January 2008, succeeding Dr. Nandasiri Jasentuliyana. She has given an interview at the IAF website, setting out some of her visions and plans; the full interview can be found at <http://www.iafastro.com/index.php?id=560>

*"I am honoured to have been elected President of the IISL, and will do my best to continue the excellent work done by my esteemed predecessor for our Institute and its members. Many changes have been set in motion over the past years, and I hope that with your continued support I will be able to help the IISL become ever more relevant as a center of excellence and knowledge about the law governing space activities.*

*Space law is an exciting field of law and a lot has been accomplished during the first 50 years of the space age. It is our role to take space law to the next level, while preserving its use for peaceful purposes, for the benefit of all countries. It is clear that many challenges lie ahead.*

*On behalf of the entire membership I would like to salute Nandi Jasentuliyana who, as President Emeritus, will hopefully continue to enlighten us with his clear and pointed analysis and with his good sense of humour. Thank you Nandi, for 14 years of excellent cooperation - never a dull moment - forever to be continued!"*

### 1. IISL GENERAL INFORMATION

#### **IISL: AN ASSOCIATION UNDER DUTCH LAW**

The Institute has been registered as an Association under Dutch law (NGO) on 18 June 2007. The statutes in Dutch have been officially translated into English and have been sent to all members. Now work will continue to prepare further improvements, both in terms of language and content.

The formal address of the IISL will remain the IAF address in Paris, where also our archives will continue to be stored. IISL is grateful to the IAF for agreeing to this arrangement.

#### **PLANS FOR IMPROVEMENT OF THE WORK OF THE IISL**

At its last meeting, the Board has decided on the following plans. Members are welcome to submit their ideas or to volunteer their help:

#### **Installation of a Directorate of Studies (DoS)**

A Directorate of Studies was appointed, composed of three persons, of whom one serves as Chairman and must be a Board member. The three persons appointed for the first term of 2 years of the Directorate are: Prof. Stephan Hobe (Chairman), Prof. Ram Jakhu and Prof. Steven Freeland (Australia). A plan of action will be drafted by the DoS, and submitted for approval to the Board at its next Spring Meeting in Paris in 2008.

#### **Task Assignment to Members of the Board**

The Board decided to assign specific tasks to various Board Members. The tasks are as follows, specific distribution to follow:

- Public Communications: Overall charge of public communiqués, publicity and other public relations
- Inter-Organisational Liaison: Overall charge of communications and relations with other organisations

- Geographic Management of various regions
- Sponsorship Management: Solicitation and acceptances of sponsorships, donations, legacies and other financial contributions to the IISL
- Recruitment of New Members: Organisation of recruitment of new members, introduction of new members to the IISL, increase public awareness of the possibilities and rewards of IISL membership
- Nurturing of Young Professionals and Students: Support and advise young professionals and students active in the field of space law

#### **Position of Assistant to the Secretary**

The Board decided to appoint Dr. Gerardine Goh (Singapore) as Assistant to the Secretary for a period of 2 years. This is not a Board position, but an appointment made by the Board. The Board is very pleased to have Dr. Goh's assistance and welcomes her.

#### **Format of the IISL Colloquia**

The Board decided that the following areas for improvement of the existing format of the IISL Colloquia will be explored:

- Invited Papers
- Support of Young Professionals and Students
- Limiting the Number of Papers for Presentation at Each Session

The manner of realising these improvements will be further discussed.

#### **New website**

The Board has also selected a new web service provider and the website will be entirely redesigned.

### **IISL AWARDS 2007**

During the IAF Banquet, a **Lifetime Achievement Award** was presented to Mr. Sridhara Murthi (India), and a **Distinguished Service Award** was presented to Prof. Ram Jakhu (Canada).

The **Dr. I.H.Ph. Diederiks-Verschoor Award and Prize** were given for the 7<sup>th</sup> time in India, to Mr. Fabio Tronchetti of Italy, PhD student at Leiden University, for his paper "The Non-Appropriation Principle Under Attack Using Article II of the Outer Space Treaty in its Defence". The evaluation committee consisted as usual of Prof. Back Impallomeni (chair), Dr Jakhu and Dr. Ospina. This year we had a record number of 11 entries. The winning paper gets a special mention in the Proceedings. The Award honours the best paper presented at an IISL Colloquium by an author not older than 40 years and who has not

published more than five papers in the Proceedings of IISL Colloquia. The Award consists of a medal and a money prize of 500 Euros.

### **BOARD ELECTIONS 2007**

The Nomination Committee consisted of Prof. Jonathan Galloway (Chair), Dr. van Fenema and Prof. Monserrat. The terms of office of Prof. Catalano Sgrosso, Prof Jakhu, Prof Lyall, Dr. Ramirez, Dr. Schrogl, and Dr. Sterns expired. In addition, the Committee had learned that our esteemed and beloved President, Nandasiri Jasentuliyana would step down as of January 1, 2008.

The committee recommended the following slate: Ram Jakhu, Corinne Jorgenson, Ricky Lee (as of January 1, 2008), Francis Lyall, Sergio Marchisio, Kai-Uwe Schrogl and Maureen Williams. The Nominating Committee furthermore proposed and the Board of Directors unanimously endorsed that Nandasiri Jasentuliyana be elected President Emeritus and that Patricia Sterns, who was not standing for re-election, be named an Honorary Director of the Institute in light of her superior and outstanding work for the IISL over many years.

- *Corinne Jorgenson* is currently editor of the Proceedings of the Colloquia on the Law of Outer Space. She is also President of Advancing Space Consulting Group in Fairfax, Virginia USA.
- *Ricky Lee* is Principal in Ricky Lee & Associates, Commercial Lawyers in Adelaide, S.A. Australia. He received the IISL Distinguished Service Award in 2005. He is the initiator and organizer of Asia Pacific round of the Manfred Lachs Space Law Moot Court Competition.
- *Prof. Sergio Marchisio* is Professor at the University of Rome La Sapienza and is with the Institute for International Legal Studies of the National Research Council - Italy. He is a former Chairman of the UNCOPUOS Legal Sub-Committee.
- *Prof. Maureen Williams* is Chair of the Space Law Committee of the International Law Association and is with the National Council for Scientific and Technical Research in Argentina.

The Committee enthusiastically recommended *Tanja Masson-Zwaan* for President beginning January 1, 2008 and until the 2010 Colloquium. Tanja has been on the Board since 1991 and, as Secretary, is thoroughly knowledgeable about the purposes of the Institute and its responsibilities. She has a consulting company in air and space law, Adastra Consulting, and was recently appointed Secretary, Member of the International Advisory Board of the International Institute of Air and Space Law at Leiden University. Her energy,

enthusiasm, and spirit will make her an outstanding President.

The Committee nominated *Corinne Jorgenson* for the position of Secretary. She is an excellent choice given her background and meritorious service to the Institute.

The **Assembly** adopted the report by consensus. The allotment of 2- and 3-year terms had the result that Prof. Willams will have a 2-year term while the other directors will have a 3-year term.

The new Board members were welcomed, and thanks were expressed for many years of faithful service to Prof. Catalano Sgrosso and Mrs. Ramirez de Arellano.

## **MEMBERSHIP AND DUES 2007/8**

The newly elected members are:

### **INSTITUTIONAL:**

J. Drescher, Head / A. Mellot  
DLR German Aerospace Center  
1627 I (Eye) Street NW Suite 540  
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### **INDIVIDUAL:**

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An invoice for membership dues for 2008 (unless already paid in advance) and, where applicable, previous years will be mailed separately by the Treasurer.

Several members who were 3 or more years in arrears have been moved to the list of former members by decision of the Board.

## **2. IISL MEETINGS AND EVENTS**

### **50<sup>th</sup> IISL COLLOQUIUM, 24-28 SEPT. 2007**

#### **Theme: touching humanity: space for improving quality of life**

The 50<sup>th</sup> IISL Colloquium was held from 24-28 Sept. 2007 in Hyderabad, India. A total of 82 papers was accepted for the 5 sessions. Approximately 22 papers were withdrawn, and 9 were summarized by others. The following sessions were held:

E6.1. The Impact of Outer Space Law on Regional Policies / Chairs: Paul Larsen, Rapporteur: V. Gopala Krishnan

E6.2. Legal Issues of Private Spaceflight and Space Tourism / Chairs: MYS Prasad and Frans von der Dunk, Rapporteur: Mehmood Pracha

E6.3. New Legal Developments in the Protection of the Space Environment / Chairs: VS Mani and Kai-Uwe Schrogl, Rapporteur: Martha Mejia-Kaiser

E6.4. Legal Aspects of Satellite Applications: Navigation and Remote Sensing / Chair: G. Catalano Sgrosso, Rapporteur: Suresh Kibe

E6.5. The 40th Anniversary of the Outer Space Treaty, and Other Legal Matters/ Chair: Ram Jakhu, Rapporteur: Ranjana Kaul

A **Scientific/Legal Roundtable** was held on ““Google Earth et al. - Pros and Cons of an Easier Access to Satellite Images”, co-chaired by Wendell Mendell and Frans von der Dunk.

The **IISL Plenary Event** on “New Space Industry Actors in the Global Market Place” had been coordinated by Werner Balogh with the President, and was moderated by Indra Heed. See for a report, <http://www.iafastro.org/?id=578>

There also was a **joint IAF/IISL/IAA Plenary Event** on “The United Nations and Space: Looking forward to the second half century of space activities,” at the occasion of the 50<sup>th</sup> anniversary of the space age and the treaty’s 40<sup>th</sup> anniversary. Kai-Uwe Schrogl was in charge of the coordination with IISL. See for a report, <http://www.iafastro.org/?id=580>

## **16<sup>th</sup> MANFRED LACHS SPACE LAW MOOT COURT COMPETITION 2007**

The 16<sup>th</sup> Manfred Lachs Space Law Moot Court Competition was held during the Hyderabad IISL Colloquium. The *Case concerning International Liability (Emeralda v Mazonia)* was written by Jean-François Mayence and David Sagar. Preliminaries were held at regional level in Europe, North America and in the Asia Pacific region. The Finals were judged by three Judges of the International Court of Justice.

The final was hosted by NALSAR University of Law. Hotel Taj Deccan was the location for the dinner, attended by around 160 guests.

The local organising committee and the local sponsors, NALSAR University of Law in Hyderabad, and the Indian Space Research Organisation (ISRO) in Bangalore, had made excellent arrangements for the finals. In addition, NASA, ESA/ ECSL and JAXA sponsored the winners of the regional rounds to come to India.

### **Results of the world finals:**

**Winner:** George Washington University, USA (David J. Western, Magin T. Puig-Monsen, Carlos F. Laboy; Coach: Prof. Henry R. Hertzfeld)

**Runner-up:** University of Queensland, Australia (Rola Lin, Breanna Hamilton, Alexander Meaney

Coach: Mr. Matthew Jones)

**2<sup>nd</sup> runner-up:** University of Leiden, the Netherlands (Jason Bonin, Lauren Payne, Scott Phillips, Coach: Dr. Frans von der Dunk)

**Eilene M. Galloway Award** for Best Written Brief: University of Queensland, Australia

**Sterns and Tennen Award** for Best Oralist: Ms Rola Lin, University of Queensland, Australia

### **Participants in the regional rounds**

#### *In North America:*

1. George Washington University School of Law
2. University of Mississippi School of Law
3. University of Missouri—Columbia
4. St. Thomas University School of Law
5. Georgetown University Law Center
6. New York University
7. Cornell Law School
8. Institute of Air & Space Law, McGill University
9. University of North Carolina—Chapel Hill

#### *In Europe:*

1. George Washington University School of Law
2. Warsaw University Department, Institute of International Relations, Poland
3. Catholic University of Leuven, Belgium
4. University of Lueneburg, Germany
5. Leiden University, The Netherlands
6. John Paul II Catholic Univ. of Lublin, Poland

#### *In the Asia Pacific:*

1. University of Queensland, Brisbane
2. Amity Law School, India
3. Bangalore University Law College, India
4. Barkatullah University, India
5. Beijing Institute of Technology, China
6. Bharti Vidyapeeth University, India
7. China University of Political Science and Law, China
8. City University of Hong Kong, Hong Kong
9. Flinders University of South Australia, Australia
10. Government Law College, Mumbai, India
11. Gujarat National Law University, India
12. H P University School of Legal Studies, India
13. Hidayatullah National Law University, India
14. I L S Law College, India
15. Keio University, Japan
16. M S Ramaiah College of Law, Bangalore, India
17. Murdoch University, Australia
18. National Academy of Legal Studies Research, India
19. National Law Institute University, Bhopal, India
20. National Law School of India University, India
21. National Law University, Jodhpur, India
22. National University of Advanced Legal Studies, India
23. National University of Juridical Sciences, India
24. National University of Singapore, Singapore
25. Padjadjaran University, Indonesia
26. Panjab University Institute of Legal Studies, India
27. Parahyangan Catholic University, Indonesia
28. Seoul National University, Korea
29. Tamil Nadu Dr Ambedkar Law University, India
30. Universitas Pelita Harapan, Indonesia
31. University of Auckland, New Zealand
32. University of Kyoto, Japan
33. University of Lucknow, India
34. University of New South Wales, Australia
35. University of Queensland, Australia
36. University of Technology, Sydney, Australia
37. University of Tokyo, Japan
38. Vivekananda Institute of Professional Studies, India
39. Waseda University, Japan

#### Judges for written briefs:

- Mr. Ian Awford, Australia
- Dr. Peter van Fenema, The Netherlands
- Dr. Martha Mejia-Kaiser, Mexico
- Ms. Marcia Smith, USA
- Dr. Leslie Tennen, USA
- Dr. Yun Zhao, Hong Kong

#### Judges for semi finals:

- Prof. VS Mani, India
- Prof. Elisabeth Back Impallomeni, Italy
- Prof. Jonathan Galloway, USA

#### Judges for finals:

- H.E. Judge Abdul Koroma, ICJ
- H.E. Judge Hisashi Owada, ICJ
- H.E. Judge Peter Tomka, ICJ

#### Contact details regional rounds:

- *North America:* Milton (Skip) Smith  
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- *Europe:* Melanie Vincent (new contact!)  
[Melanie.Vincent@esa.int](mailto:Melanie.Vincent@esa.int)
- *Asia Pacific:* Ricky Lee  
[asiapacific@spacemoot.org](mailto:asiapacific@spacemoot.org)

### UNCOPUOS SESSIONS/ CONFERENCE, VIENNA, 2008

IISL members may again be appointed as official **IAF observers** for the Legal Sub-Committee (31 March - 11 April 2008) and/or the Plenary Session (11-20 June 2008). **Please contact the Secretary before 9 February 2008 if you would like to serve as an observer in Vienna.**

IISL and ECSL will again organize a **Symposium for LSC delegates on 31 March and 1 April 2008** on "Legal Implications of Space Applications for Global Climate Change". The programme is currently being planned. **Members interested to contribute are requested to contact the Secretary without delay.**

### 51<sup>st</sup> IISL COLLOQUIUM, GLASGOW, SCOTLAND, 29 SEPT – 3 OCT. 2008

#### Theme: from imagination to reality

The following IISL sessions will be held:

#### Session 1: Private international law regarding space activities

Description: Originally, space law was of a purely public nature, but today more and more matters of a private law character are involved even at

the international level. For this session, the first devoted exclusively to private law issues, papers are invited to address theoretical and practical issues and present concrete cases where private international law has become relevant for space activities.

#### Chairmen:

Prof. F. Lyall, UK, [law015@abdn.ac.uk](mailto:law015@abdn.ac.uk)

Prof. Lesley-Jane Smith, Germany,

[ljsmith@barkhof.uni-bremen.de](mailto:ljsmith@barkhof.uni-bremen.de)

*Rapporteur:* Ms. C. Doldirina,

[kdoldyrina@yahoo.com](mailto:kdoldyrina@yahoo.com)

#### Session 2: The 40<sup>th</sup> anniversary of the Rescue Agreement: looking ahead

Description: The Rescue Agreement was drafted when the typical mission profile involved a single nation. Today's mission profile involves multiple nations. Papers are invited to address the legal aspects of applying the Agreement to international cooperative mission profiles.

#### Chairmen:

Prof. V. Kopal, Czech Republic (no email)

Prof. Sergio Marchisio, Italy,

[sergio.marchisio@isgi.cnr.it](mailto:sergio.marchisio@isgi.cnr.it)

*Rapporteur:* Mr. F. Tronchetti,

[fabio.tronchetti@tiscali.it](mailto:fabio.tronchetti@tiscali.it)

#### Session 3: Weaponisation of outer space in the light of the Outer Space Treaty

Description: Papers are invited to address legal aspects of evolving national policies and military doctrines and international responses thereto.

#### Chairmen:

Prof. J. Galloway, USA, [jfg1939@gmail.com](mailto:jfg1939@gmail.com)

Prof. J. Monserrat, Brazil,

[monserrat@alternex.com.br](mailto:monserrat@alternex.com.br)

*Rapporteur:* TBD

#### Session 4: Legal aspects of natural Near Earth Objects (NEO's)

Description: NEO's are increasingly gathering international attention, from the perspective of exploration and exploitation of natural resources and from the perspective of potential deflection in case of a collision. Papers are invited to address the legal aspects of these activities.

#### Chairmen:

Dr. R. Tremayne-Smith, UK, [richard.tremayne-smith@bnsc.gsi.gov.uk](mailto:richard.tremayne-smith@bnsc.gsi.gov.uk)

Prof. M. Williams, Argentina,  
[maureenw777@yahoo.co.uk](mailto:maureenw777@yahoo.co.uk)

*Rapporteur:* Dr. M. Mejia-Kaiser,

[MarthaMejiaK@aol.com](mailto:MarthaMejiaK@aol.com)

#### Session 5: Other legal matters

Description: In this session, authors may address any other matters relating to the law of outer space, with special emphasis on recent developments.

#### Chairmen:

Prof. J. Gabrynowicz, USA,

[jgabryno@olemiss.edu](mailto:jgabryno@olemiss.edu)

Ms. J. Wheeler, UK, [JWheeler@milbank.com](mailto:JWheeler@milbank.com)  
*Rapporteur*: Dr. Sylvia Ospina, USA/Colombia,  
[sospina@bellsouth.net](mailto:sospina@bellsouth.net)

A **Scientific/Legal Roundtable** will be held in Glasgow on “Paper Satellites; problems of policy, regulation and economics”, and will be chaired by Lubos Perek and Corinne Jorgenson.

ISL has also submitted two proposals for a **Plenary Session**.

**Procedure for abstract submission:**

All authors must submit an abstract; this must be done ONLINE, at [www.iafastro.org](http://www.iafastro.org).

When you see a page called “restricted area:”

- click on 'authors page'
- click on 'my papers'
- click on 'add new abstract'

**ABSTRACTS MUST BE SUBMITTED AT WWW.IAC-PAPER.COM BY 11 MARCH 2008**

Detailed instructions about uploading papers and presentations and about applying for the Diederiks Award will be included in the summer edition of this Newsletter.

**17<sup>th</sup> MANFRED LACHS SPACE LAW MOOT COURT COMPETITION 2008**

The semi finals and finals of the 17<sup>th</sup> Manfred Lachs Space Law Moot Court Competition will be held during the 2008 Colloquium in Glasgow. The arrangements for the moot court are being put in place by a local committee, in which representatives of the Local Organizing Committee take part along with IISL members from Scotland. The Case *Concerning the Continued Provision of Lifeline Satellite Services to Countries in the Face of Satellite Operator Insolvency* was written by Maury Mechanick with John Gantt and can be found on the website [www.spacemoot.org](http://www.spacemoot.org). Three Judges of the International Court of Justice will be invited to judge the Finals.

Regional rounds will again be held in Europe, North America and the Asia Pacific.

**REGIONAL IISL EVENTS 2007/8**

**- CHIANGMAI SPACE LAW CONFERENCE:**

The Conference on Space Law and Space Applications for Disaster Management in the Asia Pacific Region was held from 20-22 November 2007 in Chiang Mai, Thailand. It was a follow-up to the IISL regional space law conference held in August 2006 in Bangkok and was organised by Prof. Nipant Chitasombat with Chiangmai University and Rangsit University, in cooperation with the IISL. JAXA, Japan, the National Center for Remote Sensing, Air, and Space Law of the University of Mississippi, and the McGill Institute

of Air and Space Law, Montreal supported the conference. The event was very successful, a report is being finalised and the University of Chiangmai agreed to publish the Proceedings.

**- SECOND EILENE M. GALLOWAY SYMPOSIUM ON CRITICAL ISSUES IN SPACE LAW.**

This was organised by the National Center for Remote Sensing, Air, and Space Law of the University of Mississippi and the IISL, in Washington DC at the Cosmos Club on 6 December 2007. The symposium addressed “International Civil Space Cooperation: Obstacles and Opportunities”. The event involved lawyers, scientists, space agency representatives and industry. Some of the papers will be published in the IISL Proceedings. For next year, a date has already been set: 11 December 2008, at the Cosmos Club.

**- FIRST LATIN AMERICAN REGIONAL AIR AND SPACE LAW CONFERENCE:**

Because of various circumstances and the overall political situation in the potential host country, it was decided to re-program the joint IISL/IASL-McGill air and space law conference, initially planned to be held in Venezuela in April 2008, for a later date in 2008 and/or also seek alternative venues.

**OTHER ACTIVITIES/ PUBLICATIONS 2008**

Proceedings of the Colloquia: Corinne Jorgenson will continue to coordinate publication of the proceedings with our publisher AIAA.

Standing Committee on the Status of Int'l Agreements Relating to Activities in Outer Space: copies of the report were made available to the membership and will be published in the Proceedings. Thanks were expressed to Dr Terekhov for his continued commitment.

UN Contract for IISL contribution to Highlights in Space Report: Dr. Ospina has written the IISL contribution to the UN Highlights in Space report with input from I. Baumann and several members. Possibly, next year a network of reporters can be set up to facilitate the work.

**Members interested in contributing are invited to contact the Secretary.**

Report of activities to COPUOS LSC: The Secretary will submit and present this report to the Legal Subcommittee of COPUOS.

New Membership list: All paid-up IISL members will receive a PDF file with the new updated list.  
*Please inform us of incorrect/ incomplete data!!*

**52<sup>nd</sup> IISL COLLOQUIUM, DAEJEON, KOREA, 12-16 OCTOBER 2009**

The Board will decide on session topics at its Spring Meeting. *Suggestions are most welcome*

and should be sent to the Secretary before 10 March 2008.

The 18<sup>th</sup> Manfred Lachs Space Law Moot Court Competition will be held in Daejeon in 2009. Preparations for the case for 2009 are underway, and will be written by an author from the Asia Pacific region.

## INPUT FOR NEWSLETTERS

The Board invites Members to submit relevant information to the Secretary for inclusion in future issues of the Newsletter. In order to be included in the next Newsletter, which will be issued after the Spring Board Meeting, such information must be received by the Secretary before 1 June 2008.

The Board reserves the right to decide what information will be published.

*Prof. J. Monserrat* reported the publication of his new book in 2007 in Brazil, "Law and Policy in the Space Age -- Could we be more fair in outer space than in Earth?" (in Portuguese).

*Prof. Maureen Williams*, Chair - ILA Space Law Committee (London) and member of the IISL board, reported: From 2005 one of the major law firms in Argentina - Editorial Hammurabi (Depalma) - is involved in the publication of the treatise on commercial law/national and international, one volume of which is devoted to Space Law (*Derecho Espacial*). This book - as part of a collection of 25 hard cover volumes on different areas of trade law - in the Spanish language is in progress and is intended for disseminating international and national Space Law in Spanish-speaking countries, a number of which are currently engaged in activities in outer space. The topics are not confined to the commercial sides of space law alone and the instructions from the publishers indicate that an analysis of the five Space Treaties and UN Principles should be carried out in depth in addition to the views from the doctrine. A number of well known scholars and practitioners from different parts of the world are contributing to this book, many of which are members of the IISL, the ILA Space Law Committee, the Legal Subcommittee of Copuos and other international and regional institutions. This volume should go to the printers shortly. However, any last minute contribution shall be considered (in English, Spanish or French) and shall be translated into the Spanish language in Buenos Aires. For more details please contact Prof. Maureen Williams ([maureenw777@yahoo.co.uk](mailto:maureenw777@yahoo.co.uk)).

IISL members are reminded that the 73<sup>rd</sup> Conference of the International Law Association will take place in Rio de Janeiro during 17-22 August 2007. As customary, the ILA Space Law Committee will be reporting on Remote Sensing, National Space Legislation, Registration, Dispute Settlement and Space Debris. For more information please contact the ILA Headquarters ([info@ila-hq.org](mailto:info@ila-hq.org)) or see [www.ila-hq.org](http://www.ila-hq.org).

*Dr. Martin Stanford*, Deputy Secretary-General International Institute for the Unification of Private Law (Unidroit), reported: The Secretariat of the International Institute for the Unification of Private Law (Unidroit) in December 2007 informed those having participated in the intersessional work that it had conducted over the previous 20 months on the preliminary draft Protocol to the Cape Town Convention on Matters specific to Space Assets - notably in participating in one or both of the two special Government/industry meetings that it had organized, with the Space Working Group, in London and New York, at the kind invitation of the Royal Bank of Scotland and Milbank Tweed, Hadley & McCloy respectively - to complete the intersessional work decided upon by the Committee of governmental experts at its last session, held in Rome in October 2004, in respect of the key outstanding issues identified at that session and thus to move this project forward to completion as timeously as possible that, following wide-ranging consultations between the Secretariat and senior representatives of the Governments represented at the intersessional meetings and some of the leading representatives from industry that had also attended those meetings, the General Assembly of Unidroit member States, at its 61st session, held in Rome on 29 November 2007, had decided that a steering committee be established to take responsibility for building consensus around the provisional solutions agreed at the New York meeting, in the run-up to a resumption of the Committee of governmental experts. Under this proposal, key representatives of Government and industry will, as with the intersessional meetings held in London and New York, be invited to work together on this Steering Committee, in particular to craft an alternative new draft designed to reflect the provisional solutions worked out during the intersessional work.

The fact that the Governments participating in the work of the Committee of governmental experts consulted by the Secretariat regarding the establishment of the Steering Committee were all agreed as to the importance of moving forward with all due expedition to completion of the proposed Protocol and demonstrated their support for this approach through their ringing endorsement of the Secretariat's proposal put to the General Assembly leads the Secretariat to believe that they may, therefore, be expected to provide just the sort of leadership in relation to this project that industry has indicated that it is looking for before further committing its expertise to the important work that still lies ahead, notably the crafting of an alternative new draft to reflect the provisional conclusions reached in New York.

With a view to the project yielding a commercially viable and, therefore,

useful Protocol for the commercial space industry and those financial institutions and insurance companies supporting it, the Secretariat also recognises it as essential for industry representatives to continue to provide their expertise, especially in the preparation of the alternative new draft to be undertaken under the auspices of the Steering Committee. The Secretariat sees the Steering Committee as providing a bridge between the views of Government and industry for implementation of the provisional conclusions reached in New York.

With the decisions reached in New York - notably to narrow the sphere of application of the preliminary draft Protocol to concentrate essentially on the satellite itself, generally considered to represent 90% of the space assets currently the subject of asset-based financing - the Secretariat believes that it is close to securing agreement and finalising a successful end-product, that will not only contribute to expanding financing opportunities for commercial space activities but also constitute an important landmark in the development of the legal regimen governing these activities.

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