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Brief Report on Recent UNIDROIT Space Protocol Developments

By Paul B. Larsen, IISL Observer, Fifth Meeting of the Governmental Experts on the Space Protocol.

The 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 met in Rome, February 21 – 25, 2011.¹ The Committee meeting was chaired by Prof. Sergio Marchisio, Italy.

The Committee has completed its preparatory work on the Draft Space Protocol. Now the draft instrument will be submitted to the UNIDROIT Council, which is expected to schedule the final diplomatic conference for next year.

The Committee's final Draft Protocol:

- (1) Defined space assets to include spacecraft, their payloads as well as parts of spacecraft and payloads;
- (2) Established a special category of public service providers who will register special notices of security instruments by which creditors holding international interests in public service space assets agree to a six months grace period. During the grace period States may continue to enjoy the services of their authorized public service space assets. But the debtors must use the six months grace period to cure their defaults;
- (3) Placed within squared brackets, on request of the insurance industry, provisions that would have enabled the insurance industry to register their interests in space asset salvage.

Issues that the Government Experts did not resolve, but are referring to the Diplomatic Conference for resolution, include:

- (1) How contracting States should exercise jurisdiction over space assets in default; and
- (2) The final treaty clauses (e.g. what country or international organization should serve as depository of the treaty; entry into force, etc.)

UNIDROIT will issue a clean text of the Space Protocol for the use of States in their consultations leading up to the Diplomatic Conference. The final draft will be made available to the public (see www.Unidroit.org)

The International Institute of Space Law will continue to follow the Space Protocol negotiations. The IISL may organize a special session on the new treaty instrument during its Space Law Colloquium at the International Astronautical Congress in Naples, Italy in 2012.

¹ Leading up to this Meeting of the Governmental Experts, there were *interim* October, 2010 meetings to accommodate the satellite industry. They included special working groups on the definition of space assets and default remedies regarding public service.