



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
INSTITUT INTERNATIONAL POUR L'UNIFICATION DU DROIT PRIVE

**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 AND PROPOSAL

on Article I (2)(k) of the alternative text

submitted by Mr S. Kozuka (Sophia University, Tokyo)

Further to my comments reproduced in C.G.E./Space Pr./3/ W.P. 9, I hereby also make a few comments on the definition of "space assets" in the alternative text of the preliminary draft Space Assets Protocol (C.G.E./Space Pr./3/W.P.5 rev.). These observations are based on discussions and interviews with industry experts in Japan but the author is solely responsible for any error or misunderstanding included.

The alternative text as it stands defines "space assets" as "any man-made uniquely identifiable satellite, satellite bus, ..., in each case only where capable of being independently owned, used or controlled". Despite its intent of limiting the scope of the space asset to which the proposed Protocol would be applied, this definition may sound vague and less limited. Since a sub-system (or sub-sub-system) is constructed to perform a certain function, it may be better to exclude the component or module that cannot serve any independent function from the scope of space asset for the sake of financing under the proposed Protocol.

Further, some of the listed terms might imply a few different meanings. For example, "payload" may be used in the alternative text as meaning the mission equipment on a satellite but could also mean the satellite as a whole when used as "payload on the launcher." A "space vehicle" could mean both a launch vehicle and an orbital transfer vehicle. A few more suggestions have been made by industry experts, as reflected in the suggestion below.

Suggested wording for new Article I(2)(k) of the alternative text:

"'space asset' means any man-made uniquely identifiable satellite or spacecraft, satellite bus, satellite payload (including satellite transponder), space station, orbital transfer vehicle, reusable launch vehicle (including reusable reentry vehicle), reentry space capsule (including reusable space capsule) or any module or other object, in each case only where capable of serving an independent function, in or intended to be launched in or into space ...".