



**GOVERNING COUNCIL**  
**89<sup>th</sup> session**  
**Rome, 10-12 May 2010**

UNIDROIT 2010  
C.D. (89) 4(b)  
Original: English  
February 2010

**Item No. 5 on the agenda: International interests in mobile equipment –**  
**(b) Preliminary draft Protocol on Matters specific to Space Assets**

(Memorandum prepared by the Secretariat)

<i>Summary</i>	<i>Steps being taken and needed to permit the timeous completion of the intergovernmental negotiations on the preliminary draft Protocol</i>
<i>Action to be taken</i>	<i>See paragraph 27, below</i>
<i>Mandate</i>	<i>Work Programme 2006-2010</i>
<i>Priority level</i>	<i>High</i>
<i>Status</i>	<i>On target for completion in first half of 2011</i>
<i>Related documents</i>	<i>UNIDROIT 2009 – C.G.E./SpacePr./3/W.P. 7 rev.; UNIDROIT 2009 – C.G.E./SpacePr./3/Report; UNIDROIT 2010 – C.G.E./SpacePr./4/W.P. 2; Annual Report 2009 (C.D. (89) 2), pp. 9-12.</i>

**STATUS OF THE PROJECT**

1. A summary of the remarkable progress realised during 2009 in getting the preliminary draft Protocol to the Cape Town Convention on Matters specific to Space Assets (hereinafter referred to as the *preliminary draft Protocol*) ready, following completion of the intersessional work decided upon by 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 (hereinafter referred to as the *Committee of governmental experts*) at its second session, held in Rome from 26 to 28 October 2004, to be laid once again before the Committee of governmental experts is to be found in the *Annual Report 2009*.

2. This memorandum will, accordingly, focus on the outcome of the third session of the Committee of governmental experts, the principal problems still to be resolved within the Committee of governmental experts and the steps being taken with a view to permitting timeous completion of the project.

3. It is appropriate, though, first, to mention a development which the Secretariat hopes will, to a certain extent, counterbalance the effect of Mr P.D. Nesgos' withdrawal from his position as co-ordinator of the Space Working Group, namely the signing of an agreement, on 21 October 2009, between UNIDROIT and Crédit Agricole S.A. under the terms of which Ms M. Leimbach of that bank, who has followed and participated in the development of the preliminary draft Protocol ever since the outset of work on this subject, will devote between 10% and 20% of her time for the remainder of the intergovernmental consultation process to co-ordinating the viewpoints of the different parts of the space industry vis-à-vis the preliminary draft Protocol with a view to presenting these in coherent and systematic form at sessions of governmental experts and other meetings. Needless to add, the Secretariat is particularly grateful to Crédit Agricole for its munificence in this regard.

4. It would, moreover, be egregious not to mention the continuing invaluable support, on a day-to-day basis, afforded the Secretariat by Mr D.A. Porrás in this area of its work. Agreement has recently been reached with the German Space Agency, the American Foundation on International Uniform Law and the U.K. Foundation on International Uniform Law for the funding of Mr Porrás' position for a further six months commencing on 1 March 2010. The Secretariat is also most grateful to these three benefactors for their continuing munificence.

#### **OUTCOME OF THE THIRD SESSION OF GOVERNMENTAL EXPERTS**

5. The third session of the Committee of governmental experts was held in Rome from 7 to 11 December 2009. 32 States,<sup>1</sup> seven intergovernmental Organisations<sup>2</sup> and six international non-governmental Organisations<sup>3</sup> were represented at the session, which was also attended by fourteen representatives of the international commercial space, financial and insurance communities<sup>4</sup> and a representative of the International Registry for aircraft objects. Following his confirmation as Chairman, the session was chaired by Mr S. Marchisio (Italy). In the absence of one of the members of the Drafting Committee appointed by the Committee of governmental experts at its first session, held in Rome from 15 to 19 December 2003, and the absence of appropriate expertise on the delegation of another of the members of the Drafting Committee as appointed, the Committee of governmental experts added the Russian Federation and Senegal to the Drafting Committee for the session.

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<sup>1</sup> Albania, Algeria, Australia, Brazil, Canada, People's Republic of China, Colombia, Czech Republic, France, Germany, Greece, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Japan, Latvia, Luxembourg, Nigeria, Portugal, Republic of Korea, Russian Federation, Senegal, Slovenia, Spain, Sudan, Sweden, Syrian Arab Republic, Turkey, United Kingdom and United States of America.

<sup>2</sup> Council of the European Union, European Commission, European Organisation for the Exploitation of Meteorological Satellites, European Space Agency, International Mobile Satellite Organization (I.M.S.O.), International Telecommunication Union (I.T.U.) and United Nations Office for Outer Space Affairs.

<sup>3</sup> Aviation Working Group, European Centre for Space Law, European Federation of Leasing Company Associations, International Bar Association (I.B.A.), International Institute of Space Law and International Law Association.

<sup>4</sup> Mr D. Ardaine (Arianespace), Mr M. Borello (Thales Alenia Space), Mr D..J. Den Herder (SpaceX), Ms C.J. Dubreuil (EADS Astrium), Ms N.J. Eskenazi (SES S.A.), Ms C. Gaubert (Marsh), Mr K. Gude (Intelsat), Mr O. Heinrich (BHO Legal Partnership), Ms M. Leimbach (Crédit Agricole S.A.), Mrs P. Meredith (Zuckert Scoutt & Rasenberger L.L.P.), Mr P.D. Nesgos (Millbank Tweed Hadley & McCloy L.L.P.), Ms D. Niessen (German Space Agency), Mr B. Schmidt-Tedd (German Space Agency) and Mr J.-C. Vecchiatto (EADS).

6. The basic text of the preliminary draft Protocol before the Committee of governmental experts was the text which had emerged from the first session of that Committee (UNIDROIT 2009 – C.G.E./SpacePr./3/W.P. 4). Two alternative texts of the preliminary draft Protocol were, however, also before the Committee of governmental experts, one reflecting the conclusions reached by the UNIDROIT Steering Committee at its second meeting, held in Paris on 14 and 15 May 2009, on the policy issues referred to intersessional work by the Committee of governmental experts at its second session (UNIDROIT 2009 – C.G.E./SpacePr./3/W.P. 5 rev.) and the other containing proposals for technical amendment of the basic text submitted by the co-Chairmen of the Drafting Committee (Canada and the United Kingdom) (UNIDROIT 2009 – C.G.E./SpacePr./3/W.P. 8 rev.).

7. There were a number of proposals tabled both by Governments and individuals before the Committee of governmental experts (UNIDROIT 2009 – C.G.E./SpacePr./3/W.P. 9). The principal of these was one by leading space insurance underwriters for protection to be written into the future Protocol for such insurers' salvage interests.

8. As members of the Council may recall, the Secretariat has already had occasion to draw the attention of the Governing Council (UNIDROIT 2009 – C.D. (88) 6(b), § 5) to the strong efforts made by some satellite operators to undermine this project. At the third session of the Committee of governmental experts, those efforts culminated in the following incident as recorded in the report on that session (UNIDROIT 2009 – C.G.E./SpacePr./3/Report, § 78):

“One delegation made a statement referring to the actions of an observer which questioned the extent to which positions taken by that delegation correctly reflected the official position of that delegation's Government. A number of delegations expressed their surprise and deep concern at the situation as it had been described. There was a unanimous expression of solidarity with the delegation concerned”.

9. It was also noted, in respect of the submission contained in C.G.E./Space Pr./3/W.P. 19, a copy of which is reproduced in the Appendix to this memorandum, “that the listing in that document of the membership of some of the organisations identified as subscribers of those submissions was misleading in so far as those delegations understood that members of such associations from their States either were opposed to the views expressed in such communications or had not been consulted on the content of such communications” (UNIDROIT 2009 – C.G.E./SpacePr./3/Report, § 79).

10. Considerable progress, though, was made across the full spectrum of the outstanding fundamental policy issues that had been the subject of intersessional work, notably the working out of a possible solution to the public service dilemma, the achievement of the essential elements of a solution to the problem of how space assets should be identified for the purposes of registration and the laying of the bases for the working out of a compromise on the vexed issue of default remedies in relation to components, as well as endorsement of the Steering Committee's prescriptions for dealing with the extension of the application of the Cape Town Convention in relation to space assets to debtor's rights and licences.

11. The Committee of governmental experts also took on board the proposal tabled by leading space insurance underwriters. It, furthermore, endorsed the recommendations of its Sub-committee to examine certain aspects of the future international registration system for space assets (hereinafter referred to as the *Sub-committee*) regarding the modalities to be employed for selection of the Registrar of the future International Registry, agreeing that the procedure employed to select the Registrar of the International Registry for aircraft objects was not the only way of contemplating doing things in the case of space assets and that, in view of the limited number of registrations to be anticipated in the initial stages of the future International Registry's

life (this being a reflection of the fact that asset-based financing has not yet achieved the same degree of penetration in space financing as it has in aviation financing) and the concomitant likelihood that the space industry would not be as forthcoming with start-up funding as the aviation industry had been for the International Registry for aircraft objects, a less costly procedure might have to be envisaged for the establishment of the future International Registry.

12. A certain amount of work was done during the session of governmental experts by the Drafting Committee, by way of implementation of the decisions taken by the Committee of governmental experts. Time, though, did not permit the Drafting Committee to complete its work and it was, therefore, agreed that it should complete its work after the session. It was further agreed that this work should be carried out on the basis of the alternative text containing proposals for technical amendment of the preliminary draft Protocol and it will, therefore, be this text which will be basic text before the Committee of governmental experts at its fourth session.

#### **PRINCIPAL PROBLEMS REMAINING TO BE RESOLVED WITHIN THE COMMITTEE OF GOVERNMENTAL EXPERTS**

13. During the third session of the Committee of governmental experts, an informal working group looked into the best means of balancing the interests of creditors anxious to exercise their remedies against a space asset in the event of the debtor's default and the desire of a Government or a governmental body to ensure the continuance of a public service guaranteed by that asset, in particular in the light of the options developed by the Sub-committee of the Steering Committee on public service at its meeting held in Paris on 13 May 2009. On the basis of informal proposals submitted by the representative of one State, the Secretariat drew up a discussion paper setting out a proposal for a new Article of the preliminary draft Protocol on this subject. Subject to clarification of the practical implications of certain aspects of this proposal, it was agreed that it should be incorporated in the new text of the preliminary draft Protocol to be prepared following the session. The Secretariat will be using this proposal as a means of testing the commercial viability of the preliminary draft Protocol, notably with financial institutions, in the run-up to the next session of governmental experts. Clearly, the point of view of the financial community will be crucial on such a key issue and, if the proposal is not found to be workable by that community, then it will be for the Committee of governmental experts to draw the necessary conclusions.<sup>5</sup>

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<sup>5</sup> Cf. *The preliminary draft Protocol to the Cape Town Convention on Matters specific to Space Assets: a unique opportunity to expand the benefits of space-based services and to broaden the market for commercial space activities in general*, a paper submitted by Mr M.J. Stanford to the United Nations/Islamic Republic of Iran Workshop on Space Law "the Role of International Space Law in the Development and Strengthening of International and Regional Cooperation of States in the Peaceful Exploration and Uses of Outer Space" (jointly organised with, and hosted by the Iranian Space Agency (I.S.A.) and supported by the Asia-Pacific Space Cooperation Organization (A.P.S.C.O.) in Tehran from 8 to 11 November 2009), where the writer states that "It is worthy of note in this connection that the Aircraft Protocol does not contain a public service limitation on the exercise of the creditor's remedies. That decision, undoubtedly, reflected the realities of the contractual negotiations that precede the undertaking of a commitment by a financier to extend secured financing facilities in respect of high-value assets moving across or beyond national frontiers in the ordinary course of business, these negotiations invariably involving intensive negotiations among the parties on the issue of public service. If the future Protocol is to enhance the opportunities for commercial space financing, as hoped, then it is, clearly, going to be essential for it not to worsen the situation currently obtaining under national law, as without such an assurance, there is little likelihood of it securing the necessary endorsements to enter into force. The question, therefore, has to be whether, as advocated by more than one eminent expert, the most equitable solution on this important matter would not, as under the Aircraft Protocol, be for the question as to the most appropriate limitations to be imposed on the exercise by a creditor of his remedies under the Cape Town Convention as applied to space assets to be left to the applicable law."

14. The issue of default remedies in relation to components was discussed by another informal working group of the Committee of governmental experts. Considerable progress was made in narrowing the divergence of views on this issue and in identifying the kernel of a solution. Time did not, however, permit the completion of these efforts and it was, therefore, agreed that the Informal Working Group should continue to work informally pending the next session of the Committee of governmental experts.

15. Some work also remains to be done on the identification criteria to be employed for space assets once launched, under the solution that the Sub-committee came up with and which is enshrined in the new Article XXX of the preliminary draft Protocol.

16. Likewise, the refashioning of the definition of space assets has raised a number of issues some of which have still to be resolved.

17. One of the major issues to be resolved in time for the diplomatic Conference for adoption of the future draft Protocol is the identification of the Supervisory Authority of the future international registration system. The principal candidate for a long time, the United Nations, notwithstanding considerable support for the idea at one time, has long since dropped out of the running. The three candidates currently being canvassed are the International Civil Aviation Organization (ICAO), I.M.S.O. and I.T.U.. ICAO by virtue of Aviareto, the Registrar of the International Registry for aircraft objects' formal expression of interest in also running the future International Registry for space assets. However, the I.T.U. representative at the meeting of the Sub-committee pointed out the importance of moving this matter forward timeously if the Organisation to be invited by the future diplomatic Conference to assume the functions of Supervisory Authority were to be in a position to accept, at least in principle, such an invitation: such an Organisation would by that time need to have secured all the necessary internal authorisations. The Secretariat has, therefore, acted on the instructions which it was given by the Committee of governmental experts at its third session to write formally to the three Organisations, seeking confirmation of their interest in being considered as Supervisory Authority and enquiring as to the internal steps that they would need to take in order to be in a position to respond to any invitation that might be addressed to them by the future diplomatic Conference.

#### **STEPS BEING TAKEN FOR TIMEOUS COMPLETION OF PROJECT**

18. The Secretariat believes that, notwithstanding the considerable difficulties still to be overcome in respect of this project, it is imperative that it seek to complete it within the first half of 2011. The first part of its plan for realising this objective is to convene a fourth session of the Committee of governmental experts in Rome from 3 to 7 May 2010. The second part of this plan, subject to the advice and consent of the Governing Council at its forthcoming session, would, depending on confirmation by the Government of the Russian Federation of its willingness to host such a Conference, be to provide for the holding of such a Conference in the first half of 2011.

19. A number of imponderables, though, somewhat muddy the waters regarding both elements of this plan. First, the Food and Agriculture Organization of the United Nations (F.A.O.) on the premises of which the previous sessions of the Committee of governmental experts have been held and the Secretariat would hope to be able to hold the planned fourth session of that Committee, is reviewing its policy of making its premises available for use by other Organisations, for security reasons, and, at the time of writing (2 February 2010), F.A.O. conference services were still not in a position to confirm whether F.A.O. would be able to be host the session on its premises. Secondly, in particular given the lengthy period that elapsed between the second and the recently

held third session of the Committee of governmental experts and the considerable rethinking and restructuring of the text inaugurated at the recent session, it cannot be taken for granted that the Committee of governmental experts at its forthcoming session will be able to reach a degree of consensus on the new text sufficient to justify the Secretariat in recommending to the Governing Council that the text is ready for submission to a diplomatic Conference. Thirdly, even though the representative of the Government of the Russian Federation who attended the 60<sup>th</sup> session of the UNIDROIT General Assembly, held in Rome on 1 December 2006, announced that, in the event of the successful completion of a draft Space Protocol by the Committee of governmental experts, his Government would consider hosting the diplomatic Conference for adoption of that draft Protocol, it has to be borne in mind that the representative in question, who at the time was the person principally responsible for his Government's participation in UNIDROIT, has since moved on to other functions and that considerable time has elapsed since the making of that statement.

20. To take the first point first, the Secretariat is confident that, on the basis of its continuing negotiations with F.A.O., a solution will be found permitting the fourth session to be held over the period mentioned. One particular advantage of this solution would be, coming as it would immediately prior to the forthcoming session of the Council, the possibility that it would afford Council members to look in on all or part of the session, notably with a view to forming their own opinion as to the ripeness of the project for consideration by a diplomatic Conference.

21. Turning to the second point, the Secretariat is, likewise, confident that it will, on the basis of the consensus to be reached during the planned fourth session of the Committee of governmental experts, be in a position to make a positive recommendation to the Governing Council at its forthcoming session as to the ripeness of the text for consideration by a diplomatic Conference.

22. As mentioned above, the options regarding the vexed issue of public service are limited: the fate of the discussion paper and the proposals it enshrines must necessarily be conditioned by the reaction thereto of the financial institutions without the confidence of which commercial space financing deals will simply not happen and the planned Space Protocol will be a dead letter. The outcome of the Secretariat's planned consulting of such financial institutions in the run-up to the planned fourth session of the Committee of governmental experts, although, necessarily, made difficult by the pressure being brought to bear on such institutions by the operator not to assist the Secretariat, may, therefore, be expected to have a decisive impact on the formation of the consensus to be established at such session.

23. Likewise, the efforts devoted for some time now to clarification of the treatment of default remedies in relation to components have reached a point where, as also mentioned above, there would seem, at last, to be a clear understanding of the divergent viewpoints on the issue and the most appropriate way forward. The Secretariat is, therefore, confident that, on the basis of the informal negotiations continuing within the Informal Working Group considering this issue, a decision will be able to be taken, one way or the other, at the planned fourth session.

24. Conscious of the importance of maintaining the alliance of support for the project from both Government and the international commercial space, financial and insurance communities, the Secretariat is contemplating the organisation, in the run-up to the planned fourth session of the Committee of governmental experts, of one or more meetings with the leading satellite operators, designed not only to clear the air after the events of the third session of that Committee but also to provide an opportunity to clarify what is needed to meet their concerns. The appositeness of such an initiative at this stage has commended itself to the Secretariat in the light of a constructive meeting between the latter, Ms Leimbach and a representative of the leading operator referred to above at a meeting of the *Commission spatiale de la Société française de droit aérien et spatial* held in Paris on 25 January 2010.

25. Taking now the third point, the Secretariat has formally invited the Government of the Russian Federation, on the basis of a memorandum detailing the implications for that Government of its hosting of a diplomatic Conference, to confirm its willingness, on the basis of the consensus to be established at the planned fourth session of the Committee of governmental experts and subject to favourable advice and consent from the Governing Council, to host such a Conference. Whilst it would clearly be inappropriate for the Secretariat to prejudge the reaction of the Government of the Russian Federation, which will need to consult all the relevant Ministries and the Russian Federal Space Agency before getting back to the Secretariat with a reply, it is worth mentioning that it has, however, given thought to a possible back-up solution in the event of it transpiring that the Government of the Russian Federation is unable to act as host and enquired of the representative of another Government, which has to date been particularly supportive of the project, whether his Government might be prepared to step into the breach, if necessary.

26. In short, the Secretariat remains confident that, on the basis of its unremitting efforts to regalanise support among Governments and the international commercial space and financial communities over the past few years, this project is now not only firmly back on track - as it reported to the Council last year – but that it has an excellent chance of being ready, following the planned fourth session of the Committee of governmental experts, for submission to a diplomatic Conference in the first half of 2011. Given the difficulties that have been encountered in establishing the International Registry for railway rolling stock, the Secretariat would, furthermore, submit that the interest formally manifested by the International Registry for aircraft objects in running the future International Registry for space assets furnishes a particularly important guarantee of the future of the planned Protocol.

#### **ACTION TO BE TAKEN**

27. *The Secretariat would, accordingly, invite the Council, subject to the success of the fourth session of the Committee of governmental experts and the response it is awaiting from the Government of the Russian Federation, to authorise it to transmit the text of the preliminary draft Protocol to emerge from such fourth session, as a draft Protocol, to a diplomatic Conference for adoption in the first half of 2011.*





**APPENDIX**

**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**

UNIDROIT 2009  
C.G.E./Space Pr./3/W.P. 19  
Original: English  
9 December 2009

**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 Intelsat and SES)*

Intelsat and SES have been following the order of business during the initial two days of the Third Session of the UNIDROIT Committee of Governmental Experts on the Draft Space Assets Protocol. We submit the following statement as an expression of our views, which are representative of many in industry, including financial institutions, aerospace manufacturers, insurance companies and industry associations as well as other small and large satellite operators.

As you may be aware, many of these industry participants have expressed their opposition to the Protocol in letters directly from such participants and from all principal satellite organizations: the Satellite Industry Association, the European Satellite Operators Association, the Asia-Pacific Satellite Communications Council and the Global VSAT Forum, which collectively represent more than 200 satellite industry members (we have attached a list of the letters expressing opposition to and concerns regarding the draft Protocol).

Despite the constructive exchanges we have witnessed in the past days, we continue to believe that there is no apparent demand or driving force for a Protocol. As a result, we urge UNIDROIT to reconsider the need for a Protocol.

More specifically, we believe that the new supra-national legal regime established by the Protocol would create confusion, lack of certainty and potential conflicts which will likely *inhibit* the very financing that the Protocol seeks to encourage.

Contrary to the Protocol's purpose, the resulting conflict may actually limit commercial opportunities and transactions (particularly for small operators.) This could lead to a *chilling effect* on future financings should lenders decide that the Protocol adds risks that they are not willing to assume.

We would like to stress that, based on our experience, the lack of a Protocol has not prevented secured satellite financing. Indeed there is no evidence that creditors have not provided financing due to lack of sufficient international protection of their security interests.

We recognize that you have made the determination to continue in the preparation of a draft Protocol. While we respect the prerogative of the Committee, we urge you to carefully consider the interests and concerns of the space industry and the financial community that supports it in the work it performs.

If UNIDROIT believes that further investigation of this issue is required, we would urge UNIDROIT to put together a study to determine whether access to capital is available today, and if not, what are the issues limiting that access. We recommend that the study also address the specific problems that would be addressed by the Protocol, why is the Protocol needed and a cost/benefit analysis of the Protocol. We would further urge that the study reach out to all elements of the commercial space industry including manufacturers, operators, lenders, and insurers, to gain a broad perspective of how the industry functions today. Finally, given that the goal of such a Protocol is to increase access to capital for the commercial satellite industry, we would request that the study ascertain whether the commercial sector would in fact embrace the creation of the new supra-national regime that would be created by the Protocol. Upon completion of the study, UNIDROIT and industry could revisit whether or not a Protocol is needed.

Without the careful consideration of the interests and needs of the entities that have the most at stake in relation to the draft Protocol, the result of the work of the Committee will be to harm the satellite sector. A draft Protocol that disadvantages the space community is worse than having no Protocol at all. We encourage UNIDROIT, therefore, to reconsider its position towards the Protocol.

## ATTACHMENT

**LIST OF LETTERS OPPOSING THE SPACE PROTOCOL  
SENT TO UNIDROIT**

- Intelsat, SES and Eutelsat's letters to UNIDROIT, dated September 24, 2008 and May 12, 2009
- Satellite Industry Association (SIA)'s<sup>i</sup> letters to UNIDROIT, dated November 3, 2009 and November 23, 2009
- Asia-Pacific Satellite Communications Council (APSCC)'s<sup>ii</sup> letter to UNIDROIT, dated November 25, 2009
- European Satellite Operators Association (ESOA)'s<sup>iii</sup> letters to UNIDROIT, dated October 10, 2008 and December 1, 2009
- Marsh's letter to UNIDROIT, dated October 10, 2009
- Elseco's letter to UNIDROIT, dated November 24, 2009
- Global VSAT Forum's<sup>iv</sup> letter to UNIDROIT, dated November 23, 2009
- ManSat's letter to UNIDROIT, dated November 24, 2009
- ING's letters to UNIDROIT, dated October 22, 2004 and November 24, 2009
- QuetzSat's letter to UNIDROIT, dated November 18, 2009
- Aon – ISB's letter to UNIDROIT, dated November 4, 2009
- Barclays Capital's letter to UNIDROIT, dated November 23, 2009
- O3b Networks' letter to UNIDROIT, dated December 1, 2009

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<sup>i</sup> **SIA's Executive Members:** ARTEL Incorporated, The Boeing Company, CapRock Government Solutions, DirecTV, Hughes Network Systems, ICO Global Communications, Integral Systems, Intelsat, Iridium Satellite LLC, Lockheed Martin, Loral Space & Communications, Northrop Grumman, Rockwell Collins, SES Americom, SkyTerra, TerreStar Networks.

**SIA's Associate Members:** Alliant Techsystems, Comtech EF Data, DRS Technologies, EchoStar, Emerging Markets Communications, Inc., Eutelsat, iDirect Government Technologies, Inmarsat, Marshall Communications Corp., Panasonic Avionics Corporation, SAT-GE, Spacecom, Ltd., Stratos Global, Telesat, ViaSat, Wildblue Communications.

<sup>ii</sup> **APSCC's Members:** AAE Systems, Inc., Aetheric Engineering Ltd., American Samoa: American Samoa Telecommunications Authority, APSI (Asia Pacific Satellite Industries. Co. Ltd), APT Satellite Holdings Limited, Arianespace, Asia Broadcast Satellite (HK) Ltd. (ABS), Asia Cellular Satellite Systems (ACeS), Asia Satellite Telecommunications Co., Ltd. (AsiaSat), ASSI (The Indonesian Satellite Association), ASTOS (The Association of Specialist Technical Organisations for Space), Bangladesh: MOSICT (Ministry of Science and Information & Communication Technology), Bharat Sanchar Nigam Ltd. (BSNL), Boeing Satellite Systems International Inc., Broadcasting Satellite System Corp. (B-Sat), Cambodia: MPTC (Ministry of Posts & Telecommunications, Cambodia), CASBAA (Cable and Satellite Broadcasting Association of Asia), China Great Wall Industry Corp., Chunghwa Telecom Co., Ltd., Cisco Systems Inc., CSA (California Space Authority), CUA-SCBT (Chinese Users Association for Satellite Communications, Broadcasting & -Television), Dongbu Insurance Co., Ltd., DU EITC (Emirates Integrated Telecommunications Company, PJSC), EADS Astrium, Edward W Kelley & Partners Inc., Electronics and Telecommunications Research Institute (ETRI), Eutelsat S.A., FIJI: Ministry of Information, Communications and Media Relations, Gilat Satellite Networks Ltd., GlobeCast Asia, Globecom Systems, Inc., Glowlink Communications Technology Inc., GMV Aerospace and Defence, S.A., High Gain Antenna Co. Ltd., Hughes, Hyundai Marine & Fire Insurance, iDirect Technologies Inc., Indian Space Research Organisation, INMARSAT, Integral Systems, Intellian TechnologiesTM, INTELSAT Ltd., International Launch Services (ILS), International Space Brokers Group (ISB), INTERSPUTNIK (International Organization of Space Communications), IOT Systems, LLC, Iranian Space Agency (ISA), Iridium Satellite LLC, ISS Corp. (Integrated Satellite Solutions Corp.), Japan Aerospace Exploration Agency (JAXA), Jiang Tai Insurance Broker Co., Ltd., Korea Aerospace Industries, Ltd., Korea Aerospace Research Institute, Korea Digital Satellite Broadcasting

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(SkyLife), KOSPACE Co., Ltd, KT Corp., LG Dacom Corp., LIG Insurance Co.,Ltd, Lockheed Martin Commercial Space Systems, Mabuhay Satellite Corp., Marsh Ltd., Marshall Islands: MOTC (Ministry of Transportation & Communication, Marshall Islands), MEASAT Satellite Systems Sdn., Bhd., Merits Insurance Co., Ltd., Mitsubishi Electric Corp., Mitsubishi Heavy Industries, Ltd., Mongolia Telecom Company, Mongolia: ICTPA (Information, communication Technology and Post Authority), MSUA (Mobile Satellite Users Association), Nanotronix, National Institute of Information and Communications Technology (NICT), NEC Corporation(NEC), NTT DoCoMo Inc., Orbital Sciences Corp., Papua New Guinea: Papua New Guinea Radiocommunications and Telecommunications Technical Authority (PANGTEL), Patriot Antenna Systems, PITA (Pacific Islands Telecommunications Association), ProtoStar Ltd., PT. Telekomunikasi Indonesia, Tbk, PTC (Pacific Telecommunications Council), PTCL (Pakistan Telecommunication Company Ltd), Russian Satellite Communications Company (RSCC), Samsung Fire & Marine Insurance Co., Ltd, Satel Conseil International, Satellite Evolution Asia, DS Air Publications, Sea Launch Company, LLC, SES World Skies, SIA (Satellite Industry Association), SINGAPORE: Infocomm Development Authority, Singtel Optus (Singapore Telecommunications Ltd.), SK Telecom, SKY Perfect JSAT Corporation, Smart Digital Communications Bhd., Space Systems/Loral, SpeedCast Limited, SUIRG (Satellite Users Interference Reduction Group, Inc.), Telesat, THAICOM Public Company Limited, Thailand: MICT (Ministry of Information and Communication Technology, Thailand), Thales Alenia Space, Thuraya Satellite Telecommunications Company, Via Satellite, Access Intelligence, ViaSat, Inc., Vietnam: Vietnam Telecom International (VTI), WTA(World Teleport Association), 1worldspace Asia Space Limited.

<sup>iii</sup> **ESOA's Members:** Astrium Services, Eurasiasat, Eutelsat, Hellas Sat, Hispasat, Inmarsat, SES, SES Sirius, Telenor and Telespazio. Arianespace, Astrium Satellites, Avanti, International Space Brokers, Mansat, Marsh, Newtec, Solaris Mobile, Thales Alenia Space and Willis are **Supporting Members** of ESOA.

<sup>iv</sup> The **Global VSAT Forum** is an association of key companies involved in the business of delivering advanced digital fixed satellite systems and services to consumers, and commercial and government enterprises worldwide. It comprises more than 200 companies from 100 countries in every major region of the world and from all sectors of the satellite industry. For a complete Global VSAT Forum's member directory see <[http://www.gvf.org/members\\_directory/index.cfm](http://www.gvf.org/members_directory/index.cfm)>.