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MECHANISMS FOR THE DEVELOPMENT OF INTERNATIONAL AGREEMENTS REGARDING
SPACE ACTIVITIES

Abstract

The Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets was adopted at the diplomatic conference in Berlin under the auspices of UNIDROIT in 2012. This protocol constitutes the first binding space related international treaty for more than 30 years, and, additionally for the first time ever in private international law. The aim of the protocol is to make asset-based financing more accessible to an industry that is currently searching for innovative ways to obtain start-up capital for space-based services. The focus of this paper will be on the nature of this so-called Berlin protocol. The Protocol has to be analyzed if it could be considered as a point of departure for further new mechanisms for the development of international agreements regarding space activities. The potential of this Protocol has to be explored in view of future new tools for making international space law. Therefore the ways of creating binding rules in other international areas (CTBTO, IAEO, OPCW) have to be investigated in order to understand their mechanisms of setting law especially their systems for creating subsidiary legal norms which can eventually serve as a further model for the space sector.