

exploration. So far, the rewards have always far exceeded expectations, even if we were never able to predict the magnitude and range of the risks nor the extent of the benefits.<sup>37</sup> Nonetheless, they raise the importance that ethics and morality rest within humanity, as nature takes no moral sides.

Nature remains available for exploitation for good and for evil. For instance, one of mankind's many discoveries, is how to unleash energy stored within atoms. This knowledge has been used for peaceful purposes such as generating electricity as well as for weapons of mass-destruction. In other words, our morals, values and ethics have not kept pace with our technological prowess.<sup>38</sup> This renders us subject to live through an unstable era of *Technological Adolescence*,<sup>39</sup> without a dependable assurance that we as a human race can command these powerful technologies without the risk of self-destruction.

Self-discipline is likely to be the prerequisite to continue to evolve ethically and technologically.<sup>40</sup> This adds a familiar element of purity of the conquest,<sup>41</sup> as it bears witness to the absence of a sound *ethical* governance system to guide us through this unstable technological adolescence. After all, although morals are there to constrain *our* behaviour, values still boil down to how effective we are at influencing the behaviour of others.<sup>42</sup>

## VII. TRIAL WITHOUT ERROR WRAPPED IN COLLECTIVE ANXIETY

Wynne poses the ever-relevant question, of whether collective participation can keep the pace that decision making in complex advanced technology demands, and if not, who deserves priority? What is the appropriate balance between process and product?<sup>43</sup> Or perhaps in this context it is better framed as: 'what is the appropriate balance between process and *progress*.' One side asserts that historically progress has been favoured in what can hardly be described as a balanced debate, albeit with more and more strains of

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<sup>37</sup> MITCHELL & STARETZ, *supra* note 4.

<sup>38</sup> *Id.* at 55.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> IMMANUEL KANT, *CRITIQUE OF PURE REASON* (1999).

<sup>42</sup> Martyn J. Fogg, *The Ethical Dimensions of Space Settlement*, 16 SPACE POL'Y 3, 205-211 (2000).

<sup>43</sup> Wynne, *supra* note 2.

a reflexive collaboratory approach.<sup>44</sup> Nonetheless, when reflexivity is both limited *and* late, even if providing at least the differing viewpoints a chance to be heard, it is only a matter of time before it will be drowned out by the capitalist stampede.<sup>45</sup> Meanwhile, the camp in favour of progress interprets the same reality with impatience and almost disdain for an apparent lack of vision for progress. Which may seem unfair, as they are more likely to have political influence to further their agenda.

There is a balance to be struck here. Ethical and moral guidance need to be inherent within the governance framework, but not to the extent that it stifles progress. Progress and conscience *can* advance together, while maintaining the moral imperative.<sup>46</sup> The key will likely be found in the propensity to accept risk<sup>47</sup> in what is likely to become a collective application with tacit consent of the *precautionary principle*, or as dubbed by some environmentalists 'trial without error.' The biggest concern is that it ignores the most dangerous source of error; the unexpected.<sup>48</sup> In relation to space exploration, that is a considerable factor. The difficulty rests within reaching consensus on if or when catastrophe strikes. While one side wishes to stop the experiment, the other is pushing on to see what might be learned from pushing ahead. The question is, which bias is the safest?<sup>49</sup> Safety comes from use, with pioneers suffering the costs of premature application. For the most part, technologies become safer over time, and needless to say the second generation cannot learn from the first generation, if there is none.<sup>50</sup>

One of the elements that will ensure a continuous reflexive society is a strong balanced multi-faceted debate. Driven by a deep collective anxiousness and fueled by methodical scepticism in an increasingly aware public,<sup>51</sup> it will pave the road for a collaboratory and participatory process with broad participation empowered even

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<sup>44</sup> CHRISTOPHER HOOD & DAVID K.C. JONES, ACCIDENT AND DESIGN: CONTEMPORARY DEBATES IN RISK MANAGEMENT (UCL Press, 1st ed. 1996).

<sup>45</sup> WEBER, PARSONS, & TAWNEY, *supra* note 28.

<sup>46</sup> RALPH NADER, UNSAFE AT ANY SPEED: THE DESIGNED-IN DANGERS OF THE AMERICAN AUTOMOBILE, (1965).

<sup>47</sup> JOHN ADAMS, RISK (1995).

<sup>48</sup> A. Wildavsky, *Trial and Error Versus Trial Without Error*, in RETHINKING RISK AND THE PRECAUTIONARY PRINCIPLE 22, 22-45 (Butterworth-Heinemann 1st ed., 2000).

<sup>49</sup> *Id.* at 3.

<sup>50</sup> *Id.* at 35

<sup>51</sup> BECK, *supra* note 1, at 49.

at grass roots level. This constant dynamic tension is needed to govern these decisions as we fare into unchartered territories of private exploration of outer space.

#### VIII. SOCIAL LEARNING IN AN ADOLESCENT RISK SOCIETY?

The social cognizance of the complexity of space activities is growing exponentially, and there is general agreement that it is important. The United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) acknowledges the increasing demand for regulatory structures,<sup>52</sup> while the European Science Society cautions that space law ‘will become urgent.’<sup>53</sup> Then why doesn’t the European Space Agency have a department to deal with humans in space, either from a natural science or a social science point of view? More understandably perhaps, neither does the Royal Society, UK, which has otherwise been known to provide scientific and ethical guidance to the public with the development of new technologies. Why is it not gaining traction? Could it be that the ‘softer’ social sciences indeed *are* moving forward, but compared to technology developing at neck-break speed and governance moving at a notoriously diffident stride, it has simply not been possible to detect the modest advance of the social sciences? All going to plan, there are still ten years until Mars One will have ‘space activities.’ In relative ‘space years,’ that is right around the corner.

Determining whether society is equipped to govern this development, one indicator is whether social learning is taking place. The ideal collaborative environment is a complex public debate built on antagonisms with strong incentives to promote rival values where opposing forces are deliberately juxtaposed.<sup>54</sup> It is clear that only limited reflexivity and collaborationism seems to be occurring.

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<sup>52</sup> *Report on the United Nations/Thailand Workshop on Space Law on the theme “Activities of States in outer space in the light of new developments: meeting international responsibilities and establishing national legal and policy frameworks,”* (Nov. 2010) U.N. COMM. ON THE PEACEFUL USES OF OUTER SPACE, [http://www.unoosa.org/pdf/reports/ac105/AC105\\_989E.pdf](http://www.unoosa.org/pdf/reports/ac105/AC105_989E.pdf).

<sup>53</sup> Agnieszka Lukaszczyk, *Interdisciplinary Odysseys: The ESF/ESA/ESPI Vienna Conference on Humans in Outer Space*, 24 *SPACE POLY* 1, 50-52 (2008); *What is Mars One’s funding model?*, MARS ONE, <http://www.mars-one.com/faq/finance-and-feasibility/what-is-mars-ones-funding-model> (last visited Jan. 27, 2015).

<sup>54</sup> HOOD & JONES, *supra* note 44.

This is unlikely to change, as the polarised debate is rooted in extremely opposing ideologies with very little middle ground, being either passionately for or against opening up space. Add to that the natural bias towards progress driven by aerospace industry resources and political influence.

Even if there is a public debate, it is not perceived to be transparent, nor balanced. In the case of Mars One it is experienced to be more of a multi-way communication with an either deliberately non-risk averse demographic or one that is ignorant of the real risk, than that of an informed debate. It can be argued that the debate and the media attention on the topic are not a balanced, informed dialogue by a long shot, nor are they prioritising risk communication – *au contraire*.

It can also be argued that the topic of a one-way mission to Mars is not really what is being discussed or promoted in the public domain. It is rather the contemporary phenomenon that private space exploration *is* possible. It is within reach for anyone – not only a cosmic elite. It is an expression of technological advance forging its way ahead, not only symbolically loaded,<sup>55</sup> but perhaps even symbolically *saturated* in the sense that the argument seems to have long left the realm of rational deliberation and reductionist logic based on the concrete implications and merits of the case at hand. It has entered a realm where the project is evaluated on its *symbolic* value, becoming the product of long-held assumptions, preferences and prejudices of what it represents for the industry [or ideology] as a whole.<sup>56</sup>

Mars One represents not only a nimble Dutch non-profit enterprise, with a vision to settle humans in outer space, but also whether society has the right and the prowess to do so and, as it would appear, ruffling a few feathers in the process. In a contemporary late-modern industrial risk society,<sup>57</sup> driven by a collective degree of adolescent immaturity and individualism,<sup>58</sup> the collective signature of the contemporary phenomenon will be heavily biased in favour of progress. Add to that, the element of capitalism through the broadcasting rights to a TV reality show or through extraction

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<sup>55</sup> Wynne, *supra* note 2.

<sup>56</sup> *Id.* at 349-350.

<sup>57</sup> BECK, *supra* note 1.

<sup>58</sup> DICKENS & ORMROD, *supra* note 3.

of minerals as auxiliary activities, risk is bound to be accepted in the name of the greater good, likely under the precautionary principle. In this culture and at this time, it would seem that the establishment is lagging behind, while a nimble private industry is forging ahead.

Not attempting to reignite the nature versus nurture debate, it can be argued that Mars One is a product of its time – not the other way around. It is a small non-profit foundation, which mobilised 202,586 future astronauts overnight, but the 202,586 adventurous, non-risk averse, receptive individualists needed to exist. These are 202,586 people for whom the idea of leaving Earth, never to come back, seemed a reasonable proposition. One cannot burden Mars One with that. Never mind commercial or technical viability, Mars One has tested and proven their concept for *social viability*. If anything, Mars One leveraged the *convergence* available to them. This includes a technological convergence and accessibility through the privatisation of the aerospace industry<sup>59</sup> as well as convergence in popular culture saturated with social media, multiple realities, sci-fi, influential celebrities and early adopters signing up with Virgin Galactic for brief sub-orbital flights.<sup>60</sup> Mars One both uses and forms part of the texture of contemporary society, so far without much competition.

Building on the theories of adult infantile narcissism and technological adolescence<sup>61</sup> and the dynamics unfolding in the symbolically loaded debate, a budding concept of *Societal Self-Esteem* may be emerging. Societal self-esteem is the idea that the collective culture has a life of its own, a value system with a consciousness. One that thrives in the reflexivity of the risk society, perhaps even outgrows its transient anxiety.<sup>62</sup> It is the sum of all what all individuals are doing. It is closely linked to social learning theory and the dynamics unfolding in a heavily symbolically loaded debate, in this case heavily stacked in favour of the NewSpace agenda.

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<sup>59</sup> J. Stuart, *Outer Space Politics*, The Government Department Hot Seat, (Jan. 2, 2012) LONDON SCH. ECON., <http://www.lse.ac.uk/website-archive/newsAndMedia/videoAndAudio/channels/theHotSeat/player.aspx?id=1349>.

<sup>60</sup> *Exploring Space Makes Life Better On Earth*, VIRGIN GALACTIC, <http://www.virgingalactic.com/why-we-go/> (last visited Nov. 4, 2015).

<sup>61</sup> MITCHELL & STARETZ, *supra* note 4.

<sup>62</sup> BECK, *supra* note 1.

It can be argued that, to some extent, select demographics are afforded more influence in the collective narrative, which in turn becomes a testament to societal self-esteem; the voice and consciousness of an era. For instance, when 202,586 members of the general public – in this case, many of whom are well-adjusted, well-educated younger people from western industrial societies - are seeking to leave the surface of the Earth, never to return. The question is: what does that say about the current state of society, if anything? It seems that the development of a collective maturity or a common self-esteem is the natural progression, one that would guide the social and technological evolution consciously, hopefully towards stability with less risk of self-destruction.

Thus, it is argued that elements of social learning are unfolding, although this time, the tables are turned. This time it is the public – represented by a small group of enthusiasts – either in favour of space progress, or the more cautious flank who advocates for establishing a common platform, in unison pleading for the establishment to catch up. In this sense, Mars One – along with its contemporaries – be it for or against, is spearheading the discussion, compelling it to become part of the strategic priorities within the establishment. This follows the Wynne tradition of social learning, and it is suggested here that the collective *voice* that is societal self-esteem, which ever its intonation, is what is driving the heavily symbolically loaded public debate. This time it is occurring from a nimble vantage point, spurring on the establishment to catch up, which in a way is ‘reverse’ social learning, in that typically technological progress has been spearheaded by science and experts.<sup>63</sup> This time however, the ‘layman’ is in the lead, shaping the agenda, be it motivated by adventure, escapism, seeking a sense of purpose, or simply predestined evolution.

#### IX. CONCLUSION: GOVERNANCE, RISK AND SOCIAL LEARNING

The current legislative framework under the Outer Space Treaty was written in a different time and outlines the intent of a harmonic collaboration based on ideals we have not been able to uphold on Earth. Along with the Moon Agreement, these overarching principles are based on an ideological premise of international

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<sup>63</sup> Wynne, *supra* note 2.

peace collaboration and equal global distribution of wealth. However, this does not resonate with the reality of living in a reflexive late-modern industrial society,<sup>64</sup> by and large driven by capitalist interests and financial sustainability. In other words, the governance *foundation* seems robust, even if it is ideological, bordering on the collectively naïve.

The concern, therefore, is how to operationalise this robust treaty, without losing the heart and spirit in which it was written, while harnessing the technological progress and tenacity. Perhaps there is too much focus on the material at hand, and a whole different level of abstraction is needed in order to tackle these modern ethical dilemmas: one that has evolved to capture the technological prowess as well as the human and spiritual factor. Suffice to say, although the current regulatory framework and the treaties developed under the UN Committee on the Peaceful Uses of Outer Space, may not be an ideal solution, for the time being, it represents the highest level of international consensus.

With the introduction of two new major parameters: i) private space exploration and ii) humans in outer space, possibly as permanent settlers; the legal and social infra-structure and society's capacity to *grow and learn* will have to go into hyper-drive if it is to catch up with the standing of the technological potential. We may still have decades, if not a century, before this occurs. We could also wake up tomorrow and realise that the long wait is over.

Therefore, it is comforting that institutional inter-governmental self-imposed hybrid legislative regimes have been developing as they were needed in response to technological progress and international collaboration in space; occasionally with a creative, but sound interpretation of the UN framework in the collective interest of progress. This is an important indicator in the question of whether society is equipped to develop suitable governance frameworks when it comes to humans in outer space. Given that the foundation, principles and diplomatic infrastructures are available, in theory society is equipped to develop suitable governance frameworks for humans in space. In reality, it is doubtful, or at least doubtful that it will occur in time.

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<sup>64</sup> BECK, *supra* note 1.

Timeliness is not so much associated with the potential annihilation of the world as we know it, contamination and depletion of resources,<sup>65</sup> for which we may have another 1,000 years,<sup>66</sup> but rather associated with the ramping technological progress within space exploration. It is not unlikely that within a decade or two, technology will have resolved any outstanding obstacles to send humans on what could conceivably be a one-way trip to Mars, at least initially. Ethics aside, there are compelling technological reasons to start with a one-way trip. No doubt, the first generation going would be taking far greater risks, than the generations that will come after them,<sup>67</sup> but that is often how evolution works.

As with any new technological advancement, to maintain a stable development, it is important that society and its risk frameworks are developing at the same pace. Ideally, guided by a reflexive social learning process.<sup>68</sup> The analysis found, that indeed a social learning process is taking place heavily symbolically loaded.<sup>69</sup> The level of reflexivity, however, is modest, and not surprisingly, heavily biased in favour of progress. The advancement of this ultimate frontier is unlikely to be slowed down due to the ethical deliberations of a conscious public, especially with the limited collaborative strength. At best, the precautionary principle of deploying mitigating measures, while accepting enormous and unknown risk, will be applied. One can hope it is prohibitively expensive, if only for a little bit longer, allowing for a more balanced socio-technological evolution. But if it is technically feasible, eventually money will not be an issue. Even if Mars One does not raise sufficient funding by their milestone deadlines, this does not mean that another entity will not.

The analysis also detected a reversal of the roles, in the sense that traditionally scientific experts have been in the lead, communicating with the public with varying degrees of authority. This time, however, it would appear that a small demographic from the general public is taking the lead. Whether progress is spearheaded by

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<sup>65</sup> *Id.*

<sup>66</sup> *Stephen Hawking's Warning: Abandon Earth or Face Extinction*, (2015) BIG THINK, <http://bigthink.com/dangerous-ideas/5-stephen-hawkings-warning-abandon-earth-or-face-extinction>.

<sup>67</sup> Wildavsky, *supra* note 48.

<sup>68</sup> Wynne, *supra* note 2.

<sup>69</sup> *Id.*

a cosmic elite,<sup>70</sup> early adopters, a nimble renegade space foundation motivated by escapism, is less important. The substance that is generated is not.

The 2007 ESF Humans in Outer Space project, elevating the social sciences onto the space agenda, can be viewed in its own right as an attempt to vanguard society towards a future, which will hold humans in outer space. Although these activities may be only a decade away, a long-term visionary approach is required to mobilise support. Perhaps the project was premature, as it did not yield the results and find the support it had hoped for. This is concerning. Meanwhile, European sovereign states such as the Netherlands are hosting ventures such as Mars One, contemplating inter-planetary colonisation within a decade.

Well-intentioned visionary scholars faced numerous challenges in elevating the humanities onto the public space agenda most likely for two reasons. First, it does not offer a tangible, viable financial proposition, therefore it is not sustainable in a capitalist society, and second, it is not sexy. You cannot sell it. Or at the very least, it is a hard sell. Whether we like it or not, and whether there is cringing, tongue-in-cheek or mild admiration, all bottled up in good old-fashioned hypocrisy, Mars One with their sleek design, media-savviness, and, let's face it, sex-appeal, may be what is needed to elevate the humanities – if not into outer space - then at least back onto the international agenda. Perhaps this is their role; that of *vanguard*. In that light, it is not important whether they make it there or not, but that they pave the road for the ones that will.

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<sup>70</sup> DICKENS & ORMROD, *supra* note 3.

## BOOK REVIEWS

### ROY GOODE, CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT AND PROTOCOL THERETO ON MATTER SPECIFIC TO AIRCRAFT OBJECTS: OFFICIAL COMMENTARY (THIRD EDITION) (UNIDROIT, 2013)

*Review by Haley Grantham*

Since November 2001, the *Cape Town Convention on International Interests in Mobile Equipment and Aircraft Protocol* has been in force. The third edition of the Official Commentary was written in response to issues raised by a large number of transactions governed by the two instruments, by operation of the International Registry, and the complex declarations system laid down for Contracting States,<sup>1</sup> which were not addressed in prior commentary editions. The commentary aims to be an authoritative guide to the Convention and Aircraft Protocol and is the result of extensive consultations with negotiating governments and participating observer organizations.<sup>2</sup> Sir Roy Goode served as Chairman of the UNIDROIT Study Group that initiated the project that led to the Convention and the following Protocols. This experience made him distinctively qualified to prepare the Official Commentary.

During the closing ceremonies at the Cape Town diplomatic Conference, twenty participating States signed the Convention and Aircraft protocol,<sup>3</sup> giving credence to its importance in the private commercial law arena. In 2013, just twelve years later, 56 States and the European Union had ratified or acceded to the Convention.

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<sup>1</sup> Professor Sir Roy Goode, *Convention on International Interests in Mobile Equipment and Protocol Thereto on Matter Specific to Aircraft Objects: Official Commentary (Third Edition)* (International Institute for the Unification of Private Law, 2013).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

Of these 56 States, 50 had ratified the Aircraft Protocol.<sup>4</sup> The expedited ratification by several States demonstrates the Convention and Protocol's importance in standardizing transactions involving movable property across international borders. Since Cape Town, the Convention has come to be known as one of the most formidable private commercial law projects of its time; thereby making a commentary such as this imperative to reduce legal uncertainties caused by differing national laws.

The well-structured organizational flow of the third edition of the Official Commentary coupled with Goode's unique insight accomplish its strive to be a paramount secondary source for States, creditors, debtors, conditional sellers, and conditional buyers alike. His in-depth explanations of each article of the Convention and the Aircraft Protocol are straightforward and insightful—clearing up possible queries concerning the original text. The Commentary is broken into five parts: Part 1 is a brief history of the Convention and Aircraft Protocol, Part 2 is a review of the Convention, Part 3 is a review of the Aircraft Protocol, Part 4 is an annotation of the Convention on Intentional Interests in Mobile Equipment, and Part 5 is an annotation of the Protocol to the Convention on International Interest in Mobile Equipment on Matters Specific to Aircraft Equipment.

This history of the Convention and Aircraft Protocol given in Part 1 lives up to its title of being brief. Goode details the primary points of how the process to write, present, and ratify the two instruments unfolded with precision detail and no unnecessary additives. He then proceeds to meticulously review the Convention in Part 2, covering points such as what equipment the Convention encompasses, the relationship between the Convention and the Protocol, and the interpretation of the text. This includes an explanation as to why the three Protocols on Aircraft Equipment, Railway Stock, and Space Assets are necessary in conjunction with the Convention. This being because the Convention is not equipment specific and only includes "objects." Part 3 goes into the same detail concerning the Aircraft Protocol, even going so far as to detail the relationship between these two instruments and other Conventions. The intense detail provided by Goode in these sections gives

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<sup>4</sup> *Id.* at 4.

the reader more than a mere glimpse of how the Convention and the Aircraft Protocol function in the reality of transcontinental commerce of mobile equipment.

Parts 4 and 5 act as a secondary source to the Convention and the Aircraft Protocol. It provides the original text of the Convention and the Protocol along with comments regarding interpretation and application, and definitions of terms. For States and the other entities, this commentary serves as a crucial tool when registering these types of agreements between parties – clearing up potential gaps caused by translation barriers.

For those who deal in aircraft equipment to which this Convention and Protocol apply, this Official Commentary is a must have on their bookshelf. Goode's thoroughness in his coverage of the topic leaves no stone unturned and very few questions left unanswered. Without it, one is likely to make an inessential error due to differing national laws and language interpretations, which are exhaustively covered in the commentary. However, if one is looking for a more general overview of the Convention and Protocol, this book will be of little help. It reads more analogously to a treatise and is an unmatched secondary source to the two original texts. The guidance given by Goode in this commentary is critical for the future success of international interest in financing different categories of mobile equipment.

Although Goode is thorough in his analysis of the primary texts, the indexes in the beginning of each part references the outlined sections to paragraph numbers rather than to page numbers. In future editions, it would be beneficial for readers to have both references – page numbers and paragraph numbers – to make ultimate use of the commentary. The index being outlined by paragraph numbers makes referencing to certain sections in the text cumbersome. While this is merely a formatting critique, it would help future users optimize their use of the commentary.

Being tasked with providing an Official Commentary to furnish a more fluid understanding of the Convention and Protocol in conjunction with one another, Goode has yielded an unparalleled source for all those who deal in these types of agreements. His commentary on the original text is diligent and allows those required to register their transactions a way to feel confident going forward in their registrations.



**ROY GOODE, OFFICIAL COMMENTARY  
ON THE CONVENTION ON  
INTERNATIONAL INTERESTS IN MOBILE  
EQUIPMENT AND LUXEMBOURG  
PROTOCOL THERETO ON MATTERS  
SPECIFIC TO RAILWAY ROLLING STOCK  
(SECOND EDITION) (UNIDROIT, 2013)**

*Review by Nathaniel Celeski*

Written by Professor Sir Roy Goode, this *Official Commentary on the Convention of International Interests in Mobile Equipment and Luxembourg Protocol Thereto on Matters Specific to Railway Rolling Stock* is the 2014 incarnation of the first edition by the same name published in 2008 by the International Institute for the Unification of Private Law (UNIDROIT). This Commentary is parsed into five distinct sections. In Part I, Goode lays a brief, but proper foundation of the history of the Convention of International Interests in Mobile Equipment (hereafter the “Convention”) and the Luxembourg Protocol. In Part II and Part III, Goode reviews the Convention and the Luxembourg Protocol. Part IV is an Article-by-Article annotation of the Convention, followed by Part V; a similarly detailed analysis of the provisions of the Luxembourg Protocol. This Commentary seeks to thoroughly explain the nuts and bolts of both the Convention and the supporting Luxembourg Protocol, but it also enhances the reader’s understanding of why both documents are fundamentally necessary to achieve the objectives of facilitating the financing and leasing of mobile equipment, specifically dealing with railway rolling stock.

Professor Sir Roy Goode CBE, QC has over 30 years of experience in legal academia, and is a leading scholar and authority on commercial law, so it is fitting he authored this Commentary dissecting the components of the Convention and Luxembourg Protocol as it relates to private transactional law. After introducing the Convention and Luxembourg Protocol in Parts I-III, Goode takes an

Article-by-Article approach to his analysis, first by way of the Convention, and then the Luxembourg Protocol in Parts IV and V respectfully. Goode primarily stays within the perimeters of both documents, and does not derail to other sources outside of the text in his analysis, but he does briefly touch on other international conventions, namely to give context to his subject matter. Goode's research is clearly comprehensive as he touches on some aspect of each provision of the Convention and Luxembourg Protocol while engaging in incredibly focused analysis of what the language means. The purpose of this Commentary is to expand on and explain the actual language of the Convention and Luxembourg Protocol, and to provide a detailed look at how the provisions apply in practice. Goode fulfills this purpose seamlessly. Goode provides insightful illustrations targeted at applying the meaning of the provisions to help clarify potential questions or misunderstandings of the law. This direct application of the law following the detailed analysis helps cement the readers understanding of the provisions. Goode's prose is easy to follow, and the way he divides his analysis into small bits, makes understanding otherwise complex international legal instruments completely manageable.

This Commentary is written for practitioners, as it provides a deep analysis of the provisions of both the Convention and the Luxembourg Protocol. This step-by-step, orderly analysis, especially in Parts IV and V, will significantly help a lawyer trying to understand the language and meaning of both the Convention and the Luxembourg Protocol. An international attorney might use this Commentary as a means of clarifying their understanding of how a single provision applies, but each annotated provision equally involves the level of depth necessary to gain a complete understanding of both documents. Goode's Commentary is clearly a major contribution to an admittedly narrow field in a niche practice area. Beyond stepping into the minds of the drafters of the Convention and Luxembourg Protocol, this Commentary provides comprehensive insight into the meaning and application of the provisions of these documents.

**ROY GOODE, CONVENTION ON  
INTERNATIONAL INTERESTS IN MOBILE  
EQUIPMENT AND PROTOCOL THERETO  
ON MATTERS SPECIFIC TO SPACE  
ASSETS: OFFICIAL COMMENTARY  
(UNIDROIT, 2013)**

*Review by Marshall D. McKellar*

From beginning to end, Professor Goode's commentary on the Convention on International Interests in Mobile Equipment (Convention) and its accompanying Protocol on Matters Specific to Space Assets (Space Protocol) acts as telescope, introducing readers to the material on a broad scope via his table of convention articles, introduction, and convention history. Goode then gradually transforms a telescope into a microscope via his review and subsequent commentary sections.

Seeing as the Convention's purpose is to "provide a stable international legal regime for the protection of secured creditors, conditional sellers and lessors of aircraft objects, railway rolling stock and space assets through a set of basic default remedies and the protection of creditors' interests by registration in an international Registry, thus securing priority and protection in the event of the debtor's insolvency," the need for a detailed companion to the complex subject matter of the Convention becomes paramount. Goode's work satisfies this need and more. In addition to interpreting the anatomy of the Convention/Space Protocol, Goode essentially maps its DNA, subjecting every minute detail to vigorous study. The commentary is broken into five parts: Part 1 is a brief history of the Convention and Space Protocol, Part 2 is a review of the Convention, Part 3 is a review of the Space Protocol, Part 4 is an annotation of the Convention on International Interests in Mobile Equipment, and Party is an annotation of the Protocol of the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets.