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## Committee on the Peaceful

### Uses of Outer Space

Legal Subcommittee

Forty-fourth session

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Item 8 (a) of the provisional agenda\*

**Examination of the preliminary draft protocol  
on matters specific to space assets to the Convention  
on International Interests in Mobile Equipment, opened  
for signature at Cape Town, South Africa, on  
16 November 2001: considerations relating to the  
possibility of the United Nations serving as supervisory  
authority under the future protocol**

## **Report of the open-ended ad hoc working group on the question of the appropriateness of the United Nations serving as the supervisory authority under the future protocol on matters specific to space assets submitted by the Netherlands as coordinator of the working group**

1. At its forty-third session, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space endorsed the recommendation of the Working Group on the Examination of the Preliminary Draft Protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment that an open-ended ad hoc working group be established, made up of at least two representatives from each of the regional groups, to continue between the forty-third and forty-fourth sessions of the Subcommittee, by electronic means, the consideration of the question of the appropriateness of the United Nations acting as the supervisory authority under the future protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment opened for signature at Cape Town, South Africa, on 16 November 2001, with a view to preparing a report, including the text of a draft resolution, to be submitted to the Subcommittee for consideration at its forty-fourth session. The Legal Subcommittee also endorsed the agreement of the Working Group to appoint the Netherlands coordinator of the open-ended ad hoc working group.

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\* A/AC.105/C.2/L.253.



2. Representatives from the following member States participated in the work of the open-ended ad hoc working group: Algeria, Argentina, Brazil, Canada, China, Colombia, Czech Republic, France, Germany, Greece, India, Indonesia, Italy, Japan, Kazakhstan, Mexico, Netherlands, Republic of Korea, Russian Federation, Spain, United States of America and Uruguay.

3. The open-ended ad hoc working group continued consideration of the agenda item by electronic means and prepared the draft report contained in the annex to the present report. The Legal Subcommittee is invited to consider the draft report with a view to submitting it to the Committee on the Peaceful Uses of Outer Space for further consideration, together with a recommendation to submit it to the General Assembly.

4. It has emerged from the discussions in the working group that further consideration should be given to whether it is opportune to submit a draft resolution on the matter together with the draft report. At the present stage, it may suffice to invite the General Assembly to consider the matter in principle. If the Assembly agrees in principle to the assumption by the United Nations of the function of supervisory authority under the future protocol, this could be indicated in the annual resolution on international cooperation on the peaceful uses of outer space. In that case, the Assembly could invite the Committee and/or its Legal Subcommittee to prepare, in accordance with any guidance the Assembly may wish to provide, a draft resolution concerning the assumption by the United Nations of the function of supervisory authority under the protocol for its consideration following the adoption of the protocol and an invitation of the diplomatic conference for the adoption of the protocol addressed to the United Nations to assume that function.

## Annex

### **Draft report of the Committee on the Peaceful Uses of Outer Space on the question of the appropriateness of the United Nations serving as the supervisory authority under the future protocol on matters specific to space assets**

#### **I. Introduction**

1. In its resolution 55/122 of 8 December 2000, the General Assembly endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Legal Subcommittee consider as a single issue/item for discussion the item entitled “The draft convention of the International Institute for the Unification of Private Law on international interests in mobile equipment and the preliminary draft protocol thereto on matters specific to space property”. Following the adoption of the Convention on International Interests in Mobile Equipment, opened for signature at Cape Town, South Africa, on 16 November 2001, the Assembly, in its resolution 56/51 of 10 December 2001, again endorsed the consideration of this matter by the Subcommittee as a single issue/item for discussion. In its resolutions 57/116 of 11 December 2002, 58/89 of 9 December 2003 and 59/116 of 10 December 2004, the Assembly renewed its endorsement, while identifying two specific issues for discussion, including “Considerations relating to the possibility of the United Nations serving as supervisory authority under the preliminary draft protocol”.

2. From its fortieth to forty-fourth sessions, the Legal Subcommittee considered the possibility of the United Nations serving as supervisory authority under the future protocol to the Cape Town Convention on matters specific to space assets. Between its fortieth and forty-first sessions, consideration was given to the issue within the framework of an ad hoc consultative mechanism at meetings held in Paris in October 2001 and in Rome in January 2002. At its forty-second session, the Legal Subcommittee had before it a report of the Secretariat prepared in consultation with the Legal Counsel of the United Nations (A/AC.105/C.2/L.238). The present report was prepared by the Legal Subcommittee and adopted by the Committee on the Peaceful Uses of Outer Space at its [...] session.

3. The space assets protocol is currently being negotiated under the auspices of the International Institute for the Unification of Private Law (Unidroit). A committee of governmental experts has been established and has held two sessions in Rome, in December 2003 and October 2004, to which all member States of the Committee on the Peaceful Uses of Outer Space were invited. The supervisory authority under the space assets protocol is expected to be invited to assume that function by the diplomatic conference for the adoption of the space assets protocol. Unidroit has approached the United Nations as a possible supervisory authority under the space assets protocol for reasons that include the following:

(a) The desirability of conferring the function on a credible and already existing international organization;

(b) The primary responsibility of the United Nations for international cooperation in the peaceful uses of outer space;

(c) The existing role of the Office for Outer Space Affairs of the Secretariat as secretariat of the Committee on the Peaceful Uses of Outer Space and its Subcommittees;

(d) The maintenance by the Office for Outer Space Affairs, on behalf of the Secretary-General, of the Register of Objects Launched into Outer Space, in accordance with the Convention on Registration of Objects Launched into Outer Space (General Assembly resolution 3235 (XXIX), annex).

Although Unidroit has only approached the United Nations to consider the assumption of the function of supervisory authority, other candidates may also make a bid for it. The above-mentioned committee of governmental experts is considering potential bids of other candidates. The selection of the best candidate or the establishment of a procedure for the selection of the best candidate will be the prerogative of the diplomatic conference for the adoption of the draft space assets protocol.

4. The assumption of the function of supervisory authority by the United Nations would require the adoption by the General Assembly of a resolution to that end. The present report is intended to facilitate consideration by the Assembly of the question of the assumption of such function by the United Nations and decision-making by it. Pending further consideration of practical issues (see sect. IV below), a final decision by the Assembly on this matter could be preceded by a decision to assume, in principle, that function. The adoption of a decision, in principle, is desirable to clarify outstanding institutional issues (see sect. III below) as well as to facilitate the completion of the negotiation of the space assets protocol and any further consideration of the matter by the Committee on the Peaceful Uses of Outer Space. It is noted that a final decision on this matter can only be taken by the Assembly following:

(a) The adoption of the space assets protocol;

(b) An invitation of the diplomatic conference for the adoption of the space assets protocol addressed to the United Nations to assume the function of supervisory authority or an invitation extended in accordance with the procedure established by that diplomatic conference for the selection of a candidate.

## **II. Functions of the supervisory authority**

5. The Convention on International Interests in Mobile Equipment was opened for signature at Cape Town on 16 November 2001 and entered into force on 1 April 2004, but only as regards a category of objects to which a protocol applies. It seeks to facilitate the financing of the acquisition and use of mobile equipment of high value or particular economic significance, such as aircraft equipment, railway rolling stock and space assets. For the Cape Town Convention to apply to a certain category of mobile equipment, that category must first be designated in a protocol. With respect to aircraft equipment, a protocol to the Convention was opened for signature on 16 November 2001—the Protocol on Matters Specific to Aircraft Equipment; the Convention as applied to aircraft objects has not yet entered into

force. The International Civil Aviation Organization (ICAO) has been invited, upon entry into force of the Convention as applied to aircraft objects, to act as Supervisory Authority of the International Registry under the Aircraft Equipment Protocol. The ICAO Council had already decided to accept, in principle, to assume that function before the Diplomatic Conference was convened that extended the invitation, and this body is now guiding and supervising the Preparatory Commission established by the Diplomatic Conference to act as Provisional Supervisory Authority pending the entry into force of the Convention as applied to aircraft objects. With respect to space assets, application of the Convention is envisaged by the draft space assets protocol. The expected traffic under the space assets protocol is initially estimated at 12-18 satellites per year, a number that may reasonably be expected to rise, as enhanced legal certainty is likely to promote the supply of asset-based financing of space assets on financial markets.

6. The Cape Town Convention provides for the establishment of an international registry for the purpose of establishing priorities among competing valid claims with respect to interests in mobile equipment. In the context of the space assets protocol, this will require the establishment of an international registry for space assets. Priority among competing valid claims will depend on the time when an interest is searchable in the international registry, but the act of registration neither presupposes nor is an aspect of the validity of competing claims. Disputes on the validity of a claim will be decided by the competent court. The registration of information in the international registry will merely put all searching parties on notice of the asserted or possible existence of interests in a space asset. The registration information is likely to include: (a) the names of parties; (b) contact details of those parties; (c) type of registration and duration; and (d) description of the space asset. The information submitted for registration will be processed by the registrar, who will not assess the accuracy of the information submitted for registration nor the authority of the registering party to act. The system will be designed with a view to: (a) minimizing the risk of unauthorized registrations; and (b) preventing registrations that are manifestly implausible or that otherwise do not contain the required information.

7. The Cape Town Convention also provides for the designation of a body to supervise the registrar and the operation of the international registry. According to the Cape Town Convention, the supervisory authority of the space assets protocol shall:

- (a) Establish or provide for the establishment of the international registry;
- (b) Except as otherwise provided by the space assets protocol, appoint and dismiss the registrar;
- (c) Ensure that any rights required for the continued effective operation of the international registry in the event of a change of registrar will vest in or be assignable to the new registrar;
- (d) After consultation with the contracting states, make or approve and ensure the publication of regulations pursuant to the space assets protocol dealing with the operation of the international registry;

- (e) Establish administrative procedures through which complaints concerning the operation of the international registry can be made to the supervisory authority;
- (f) Supervise the registrar and the operation of the international registry;
- (g) At the request of the registrar, provide such guidance to the registrar as the supervisory authority thinks fit;
- (h) Set and periodically review the structure of fees to be charged for the services and facilities of the international registry;
- (i) Do all things necessary to ensure that an efficient notice-based electronic registration system exists to implement the objectives of the Convention and the space assets protocol;
- (j) Report periodically to contracting states concerning the discharge of its obligations under the Convention and the protocol.

8. To the extent of any inconsistency between the Cape Town Convention and the future space assets protocol, the protocol shall prevail. This provision allows modification of the functions of the supervisory authority in the draft space assets protocol to accommodate any concerns of candidates that are considering the assumption of the role of supervisory authority.

### **III. Fundamental issues relating to the assumption of the function of supervisory authority**

9. The future space assets protocol has a significant potential to facilitate the development of commercial activities in outer space by enhancing the availability of commercial financing for such activities, thereby bringing benefits to countries at all levels of economic and technological development. It is for the United Nations to decide whether it could and should contribute to that end. In particular, it needs to be assessed whether the United Nations has the legal capacity to perform the function of supervisory authority under the future space assets protocol and whether it is politically desirable for the United Nations to assume such a function.

10. It would not seem to be appropriate for the United Nations to assume a commercial function. Having regard to the public nature of the function of the supervisory authority, it cannot be maintained that this constitutes a commercial function. However, it is acknowledged that the function of supervisory authority is related to the provision of a service to private, profit-making entities operated by the registrar. It must therefore be assessed whether this is consistent with the objectives of the United Nations, and especially the General Assembly, as set out in the Charter of the United Nations. In that respect, consideration may be given to whether the Committee on the Peaceful Uses of Outer Space, as a subsidiary body of the General Assembly, and the Office for Outer Space Affairs, as part of the Secretariat, can be appropriately compared with ICAO, a specialized agency in the United Nations system. ICAO has, in principle, accepted the function of Supervisory Authority under the Aircraft Equipment Protocol (see para. 5). On the one hand, reference has been made to the special position of the United Nations in the United Nations system and differences in the objectives of ICAO and the United Nations.

On the other hand, it has been noted that, within the United Nations system, responsibility for international cooperation in the peaceful uses of outer space has not been vested in a specialized agency but in the United Nations itself.

11. Different views have been expressed on the legal capacity of the United Nations to assume the function of supervisory authority under the future space assets protocol. The view has been expressed that the assumption of any commercially oriented function is inconsistent with the Charter of the United Nations. Another view has been expressed that, on the contrary, the assumption of such a function might contribute to the objectives of the United Nations in promoting international cooperation in solving international problems of an economic, social, cultural or humanitarian character, as enshrined in Article 1, paragraph 3, of the Charter.

12. Different views have also been expressed on the political desirability of assumption by the United Nations of the function of supervisory authority under the future space assets protocol. The view has been expressed that, even if the United Nations had the legal capacity to assume such a function, it would not be desirable for it to be implicated in activities that would provide a service to private, profit-making entities. Another view has been expressed that the assumption of such a function could contribute to international cooperation in the peaceful uses of outer space and, hence, to the objectives of the United Nations through, inter alia:

(a) The promotion of international cooperation in solving international problems of an economic, social, cultural or humanitarian character;

(b) The consolidation and enhancement of the primary responsibility of the United Nations for international cooperation in the peaceful uses of outer space;

(c) The aim of the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III) to increase the involvement of the private sector in the work of the United Nations;

(d) Raising awareness of the importance of public law obligations under the United Nations treaties on outer space among private entities involved with asset-based financing of space assets;

(e) The avoidance of conflict between the international registry, to be maintained pursuant to the space assets protocol, and the Register of Objects Launched into Outer Space, maintained pursuant to the Registration Convention.

#### **IV. Practical issues relating to the assumption of the function of supervisory authority**

##### **A. Division of responsibilities within the United Nations**

13. If the United Nations were to assume the function of supervisory authority under the future space assets protocol, a suitable organ of the United Nations would have to be selected to assume that function. Having regard to the main functions of the principal organs of the United Nations and the current division of responsibilities within the United Nations with respect to the international cooperation in the peaceful uses of outer space, it would seem that the General

Assembly and the Secretary-General have the most comprehensive mandates. The Assembly could delegate the function partially or wholly to the Committee on the Peaceful Uses of Outer Space or either of its Subcommittees, or to a subsidiary organ to be established for that purpose; the Secretary-General could delegate the function partially or wholly to the Office for Outer Space Affairs. Since the exercise of the function by any of those organs is subject to constitutional limitations, consideration must first be given to those limitations.

14. The General Assembly may discuss any questions or any matters within the scope of the Charter of the United Nations (see Article 10). As reflected in years of practice, this covers matters relating to international cooperation in the peaceful uses of outer space. The function of supervisory authority under the future space assets protocol will be established to contribute to the proper implementation of the protocol and, hence, to further international cooperation in the peaceful uses of outer space. Thus, there would not seem to be any constitutional limitations for the Assembly to assume the function.

15. The Secretary-General shall perform such functions as are entrusted to him by, among others, the General Assembly (see Article 98 of the Charter). In view of the primary responsibility of the Assembly for international cooperation in the peaceful uses of outer space within the United Nations, it would seem that the Secretary-General cannot assume the function of supervisory authority in the absence of a decision to that effect by the Assembly.

16. The assumption of any function by the Secretary-General may not put him in a position where he has to seek or receive instructions from authorities external to the United Nations (see Article 100, paragraph 1, of the Charter). The provisions concerning the nature of the functions of the supervisory authority, as set out in the Cape Town Convention and the draft space assets protocol, do not envisage a situation where the contracting parties to the protocol or any other State or body would have to issue instructions to the supervisory authority or where the supervisory authority would have to seek instructions from an external authority.

17. The working group considered whether the assumption of the function of supervisory authority by the Secretary-General would create a conflict between the role of the Secretary-General under the Charter of the United Nations as the chief administrative officer of the United Nations and the functions of the supervisory authority owing to the fact that those functions include functions that are legislative. It appears that the nature of the functions of the supervisory authority is administrative rather than quasi-legislative or quasi-judicial. The administrative character of the functions of the supervisory authority could be further clarified in the future space assets protocol or accompanying instruments (see sect. B below, in particular para. 22).

18. In the absence of any constitutional limitations for either the Secretary-General or the General Assembly to assume the function of supervisory authority under the space assets protocol, the practical requirements for the exercise of that function need to be considered. The ability to act without delay appears to be critical in order to have a functional registry operating properly at all times. Any questions relating to the exercise of functions and operating procedures must be discussed at short notice. The Secretary-General and his staff would be in a good position to perform such a function. The exercise of the function by the Secretary-



General could be subject to review by the Assembly or a subsidiary organ, such as the Committee on the Peaceful Uses of Outer Space.

## **B. Assumption of the functions of supervisory authority as specified in the Cape Town Convention**

19. It has been noted that the future space assets protocol shall prevail to the extent of any inconsistency between the Cape Town Convention and the protocol. The functions of the supervisory authority may be modified in the draft protocol to accommodate any concerns of candidates that are considering the assumption of that role (see para. 8 above).

20. A first envisaged function of the supervisory authority is to establish or to provide for the establishment of the international registry (art. 17, para. 2 (a), of the Cape Town Convention). In view of the expertise required to set up the international registry, outsourcing its establishment could be considered if the United Nations were to assume the function of supervisory authority.

21. A second envisaged function of the supervisory authority is the appointment and dismissal of the registrar. Pursuant to the Cape Town Convention, the supervisory authority shall appoint and dismiss the registrar except as otherwise provided by the protocol (art. 17, para. 2 (b) of the Convention). The registrar is to be selected in the framework of an international tendering process. The United Nations has practical experience with public procurement procedures and it would therefore not seem to be necessary to outsource this function. It may be noted that the Aircraft Equipment Protocol envisages the appointment of the Registrar by the Supervisory Authority, that is, ICAO, at regular five-yearly intervals (art. XVII, para. 5, of the Aircraft Equipment Protocol).

22. A third envisaged function of the supervisory authority is to make or approve regulations pursuant to the future space assets protocol (art. 17, para. 2 (a) of the Convention). It appears, however, that such regulations would in practice be developed by the contracting States to the space assets protocol and that the role of the supervisory authority would merely be to promulgate them. This could be made explicit in the draft space assets protocol to avoid the suggestion that the supervisory authority would assume a legislative function.

## **C. Recovery of costs incurred by the supervisory authority**

23. The assumption of the function of supervisory authority by the United Nations would entail costs, including set-up costs of the international registry, staff resources and meeting costs. Since the United Nations would assume the function at the request of the diplomatic conference that adopts the draft space assets protocol, it must be ensured that such costs are met through extrabudgetary funds and not from the regular budget of the United Nations. All costs incurred by the United Nations should therefore be recovered from user fees or other sources of income. Although it is one of the functions of the supervisory authority to set user fees (art. 17, para. 2 (h), of the Cape Town Convention), the expected revenue will obviously depend on the traffic in space assets under the space assets protocol. In addition to uncertainties relating to the traffic in space assets, costs will be incurred

in the start-up period before any income is generated. It needs to be assessed whether voluntary contributions of interested States and interested private parties can be relied on, as was the case for the start-up costs for the International Registry under the Aircraft Equipment Protocol, or whether other sources of income must be secured to cater for such uncertainties. The terms for the full recovery of costs could be made subject to further agreement with the contracting States to the protocol.

#### **D. Enjoyment of privileges and immunities**

24. In view of the international public nature of the function of supervisory authority under the future space assets protocol, it would be appropriate for the supervisory authority as well as its representatives and officials to enjoy the privileges and immunities required for the proper exercise of the function. Under the Cape Town Convention, this has been recognized, as the supervisory authority and its officers and employees “shall enjoy such immunity from legal or administrative process as is specified in the Protocol” (art. 27, para. 2 of the Convention) as well as “privileges as may be provided by agreement with the host State” (article 27, para. 3 (a), of the Convention).

25. If the United Nations were to assume the function of supervisory authority with a view to furthering its purposes, the United Nations, representatives of Members and officials of the United Nations would enjoy privileges and immunities provided for by Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations (General Assembly resolution 22 A (I)) and related applicable agreements. The application of these agreements could usefully be affirmed by the General Assembly if it decides to assume the function of supervisory authority.

26. In view of the relevant provisions of the Cape Town Convention, the enjoyment of immunities by the United Nations, the representatives of the Members and officials of the United Nations could usefully be specified in the draft space assets protocol. This could be achieved through a provision pursuant to which the supervisory authority and its officers and employees shall enjoy such immunity from legal and administrative process as is provided under the rules applicable to them as an international entity or otherwise (see art. XVII, para. 3, of the Aircraft Equipment Protocol). With respect to privileges, the Cape Town Convention envisages the application of the agreement with the host State, that is, the State in which the supervisory authority is situated, and further specification in the space assets protocol does not seem to be necessary.

27. The inviolability and immunity of assets, documents, databases and archives of the international registry is provided for in the Cape Town Convention and does not require further specification (art. 27, para. 4, of the Convention). It is the supervisory authority that shall own all proprietary rights in the databases and archives of the international registry (art. 17, para. 4, of the Convention) and that may waive the inviolability and immunity of assets, documents, databases and archives (art. 27, para. 6, of the Convention).

## **E. Protection against liability of the United Nations for damage caused by the supervisory authority**

28. Pursuant to the Cape Town Convention, the registrar may be held liable for compensatory damages for loss suffered by a person directly resulting from an error or omission of the registrar and its officers and employees or from a malfunction of the international registration system (art. 28, para. 1, of the Convention). Although this liability would accrue to the registrar and the registrar has to procure financial guarantees covering its liability to the extent determined by the supervisory authority, the risk that a person who has suffered a loss will or will also seek compensatory damages from the supervisory authority, though it would seem to be remote, cannot be eliminated. Whether there would be sufficient ground to hold the supervisory authority liable in practice would ultimately depend on the cause of action and the nature of the relationship between the registrar and the supervisory authority.

29. Although the United Nations would enjoy immunity from jurisdiction in such cases before municipal courts, the Convention on the Privileges and Immunities of the United Nations (General Assembly resolution 22 A (I)) requires the United Nations to make provision for appropriate modes of settlement of disputes arising out of contracts or other disputes of a private law character to which the United Nations is a party (sect. 29). The risk that the United Nations would be required to pay compensatory damages in connection with the exercise of the function of supervisory authority can therefore not be eliminated.

30. The payment of compensatory damages constitutes a type of cost involved in the operation of the international registry. It has already been pointed out that any costs and, hence, costs resulting from liability incurred in the exercise of the function of supervisory authority, must be met through extrabudgetary funds and not from the regular budget of the United Nations. It would seem appropriate, however, to make an exception if it has been established that gross negligence on the part of the supervisory authority has contributed to the loss.

## **V. Draft resolution on the assumption by the United Nations of the function of supervisory authority under the space assets protocol**

31. If the United Nations decides to assume the function of supervisory authority under the future space assets protocol and the diplomatic conference convened for its adoption decides to invite the United Nations to assume that function, it will be necessary for the General Assembly to adopt a resolution to that end (see para. 4). A draft resolution has been prepared with a view to facilitating the consideration and adoption of such resolution by the Assembly (see appendix).

## Appendix

### Draft resolution

#### **Assumption by the United Nations of the function of Supervisory Authority under the Protocol to the 2001 Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets**

*The General Assembly,*

*Bearing in mind* the purpose of the United Nations to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, as enshrined in Article 1, paragraph 3, of the Charter of the United Nations,

*Recalling* its resolution 1472 (XIV) A of 12 December 1959 and subsequent resolutions, in which it declared its belief that the United Nations should promote international cooperation in the peaceful uses of outer space,

*Convinced* of the necessity and the significance of further strengthening international cooperation in order to reach a broad and efficient collaboration in this field for the mutual benefit and in the interest of all parties involved,

*Recognizing*, in accordance with “The Space Millennium: Vienna Declaration on the Space and Human Development”, adopted by the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III), held at Vienna from 19 to 30 July 1999,<sup>1</sup> that significant changes have occurred in the structure and content of world space activity, as reflected in the increasing number of participants in space activities at all levels and the growing contribution of the private sector in the promotion and implementation of space activities,

*Believing* that the Convention on International Interests in Mobile Equipment, opened for signature at Cape Town, South Africa, on 16 November 2001, and its Protocol on Matters Specific to Space Assets, opened for signature at [...] on [...], may have a significant potential to facilitate the development of space activities by enhancing the availability of financing for such activities, thereby bringing benefits to countries at all levels of economic and technological development,

*Having regard* to the invitation of the Diplomatic Conference, convened at [...] on [...], for the adoption of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets addressed to the United Nations to assume the function of supervisory authority under those instruments,

1. *Decides* to accept the invitation of the Diplomatic Conference for the adoption of the Protocol to the Convention on International Interests in Mobile Equipment, opened for signature at Cape Town, South Africa, on 16 November 2001, on Matters Specific to Space Assets to assume the function of supervisory

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<sup>1</sup> *Report of the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space, Vienna, 19-30 July 1999* (United Nations publication, Sales No. E.00.I.3), chap. I, resolution 1.

authority under those instruments, provided that the reasonable costs incurred by the United Nations in the performance of its functions, exercise of its powers and discharge of its duties as supervisory authority are fully covered, including by fees set in accordance with article 17, paragraph 2 (h), of the Convention and determined in accordance with article XIX, paragraph 3, of the Protocol, under the terms agreed upon with the contracting States to the Protocol;

2. *Affirms* that in all aspects of the exercise of this function the United Nations, representatives of Members and officials of the United Nations are entitled to privileges and immunities in accordance with Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations<sup>2</sup> and related applicable agreements;

3. *Requests* the Secretary-General to perform this function and to report to the General Assembly on the performance of this function on an annual basis.

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<sup>2</sup> General Assembly resolution 22 A (I).