



# General Assembly

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## Committee on the Peaceful

### Uses of Outer Space

Legal Subcommittee

Forty-fourth session

Vienna, 4-15 April 2005

Agenda item 8 (a) and (b)

**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; and considerations relating to the relationship between the terms of the future protocol and the rights and obligations of States under the legal regime applicable to outer space**

## **Draft resolution on the 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**

**Working paper submitted by Canada, the Czech Republic, France, Germany, Hungary, Italy, the Netherlands, Spain, Sweden and the United States of America**

The sponsors of the present working paper are submitting the following draft resolution with a view to facilitating the consideration and eventual adoption of such a resolution by the General Assembly.

*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 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>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.

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