



DCME Doc No. 56  
10/11/01

**DIPLOMATIC CONFERENCE TO ADOPT A MOBILE EQUIPMENT  
CONVENTION AND AN AIRCRAFT PROTOCOL**

(Cape Town, 29 October to 16 November 2001)

**PROPOSED CHANGES TO ARTICLE 49 AS MODIFIED BY  
THE UNIDROIT SECRETARIAT AND SET OUT IN THEIR SUBMISSION  
OF 10/10/01 (DCME DOC NO. 16) AND THE SUBMISSION OF THE RAIL WORKING GROUP  
OF 2/11/01 (DCME DOC NO. 37) TOGETHER WITH A PROPOSAL FOR  
A DRAFT RESOLUTION TO BE ADOPTED  
BY THE DIPLOMATIC CONFERENCE**

(Presented by Argentina, Australia, France, Germany, Mexico, Jamaica, Japan,  
South Africa, Sweden, United Kingdom, United States and the Rail Working Group)

We propose deletion of Article 49 on the understanding that the contents would be replaced by the proposed draft resolution attached. This does, we believe, address concerns raised by certain delegations in the Commission of the Whole and takes into account that much of the action originally proposed in the original proposal for Article 49 in DCME Doc. No. 16 has been superseded by events.

**DRAFT RESOLUTION NO. 3**

*(to be included in the Final Act)*

**PURSUANT TO ARTICLE 2(3)(b) AND (c) OF THE CONVENTION**

***THE CONFERENCE,***

***HAVING ADOPTED,*** in Article 2(3)(b) and (c) of the Convention, provisions contemplating the adoption of Protocols on matters specific to Railway Rolling Stock and Space Assets;

***CONSIDERING THAT*** such Protocols will be applied together with the terms of the Convention and are expected also to include analogous provisions to those contained in the Aircraft Protocol;

***CONSIDERING THAT*** considerable progress has already been made in relation to the development of such Protocols and such progress has been welcomed by the Conference;

***CONSIDERING THAT*** the completion of such Protocols is to be expected to confer significant benefits on the international community as a whole, in particular for developing states; and

***CONSIDERING IT DESIRABLE*** to involve as wide a range of States as possible in the process for the adoption of such Protocols and to keep the costs of such adoption to a reasonable minimum;

***RESOLVES:***

***TO INVITE*** the negotiating States to work towards expeditious adoption of the draft Protocols under preparation in respect of those objects falling within Article 2(3)(b) and (c);

***TO INVITE*** the International Institute for the Unification of Private Law (UNIDROIT) to use its good offices to facilitate such objective;

***TO INVITE*** UNIDROIT to give all Member States of UNIDROIT and Member States of the United Nations which are not members of UNIDROIT, an opportunity to participate in the negotiation and adoption of such Protocols in a cost effective manner; and

***TO INVITE*** the competent bodies of UNIDROIT to consider favourably the implementation of an expedited procedure for the adoption of such Protocols, and in particular to consider the diplomatic Conference required for their adoption being as short as possible consistently with the need for States to give such Protocol proper consideration.