

Optional Protocol concerning Embassies for Extraterrestrials Draft v1.3

27 February 2021

Done at <PLACE> on <DATE>. Entered into force on <DATE>.

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Notes

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2. For purposes of legal interpretation, the original version of this draft document is the English version.

Optional Protocol concerning Embassies for Extraterrestrials
Done at <PLACE> on <DATE>

The States Parties to the Vienna Convention on Diplomatic Relations, hereinafter referred to as “the Convention”, adopted by the United Nations Conference held at Vienna from 2 March to 14 April 1961,

Being also States Parties to the Optional Protocol concerning the Compulsory Settlement of Disputes, hereinafter referred to as “the Disputes Protocol”, adopted by the United Nations Conference held at Vienna on 18 April 1961,

Having in mind the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations,

Affirming that recent scientific discoveries of thousands of planets orbiting other stars in our galaxy, including many that may prove to be habitable, indicates both the distinct possibility of extraterrestrial life and the logical consequence that some extraterrestrial species may have developed civilisations with the capacity for interstellar flight,

Believing that friendly relations with any extraterrestrial species that may communicate with any state party to the Convention, or which any state party to the Convention may discover and wish to communicate with, would significantly contribute to the maintenance of international peace and security, and the promotion of friendly relations among nations,

Believing that an inter-planetary convention on diplomatic intercourse, privileges and immunities would contribute to the development of friendly relations between sentient life forms, irrespective of their differing origins and biologies,

Realizing that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing planets,

Have agreed as follows:

Article I

1. For the purposes of the present Protocol, the following expressions shall have the meanings hereunder assigned to them:

(a) An “extraterrestrial civilization” is a collection or grouping of beings originating from and living on another planet that have developed an advanced stage of social development and organization;

(b) A “caretaker” is a human person appointed by the receiving state to be “in charge of the current administrative affairs of a mission” (see Article 19 paragraph 2 of the Convention) established in advance of contact with an extraterrestrial civilization, but such a person is not to be considered as or treated as a diplomatic agent of any extraterrestrial civilization.

2. For the purposes of the present Protocol the word “intrusion” in article 22 of the Convention includes military radar coverage of the premises of the mission and the airspace above that mission.

Article II

1. Except for the matters specifically addressed in the following articles, the Convention shall apply to relations between the States Parties to the Convention and extraterrestrial civilizations in the same manner as it applies to relations between states.

2. Except for the matters specifically addressed in the following articles, the Disputes Protocol shall apply to disputes arising out of the interpretation or application of the Convention as it applies to relations between the States Parties to the Convention and extraterrestrial civilizations.

Article III

1. Should any States Parties to this protocol be desirous of establishing premises for a mission from any extraterrestrial civilization before having made or received any contact with any representatives of such a civilization then that state may, either:

(a) Establish premises for such a mission and appoint a Caretaker, or

(b) Enter into an agreement with an organization established for the purpose of establishing and maintaining the premises for such a mission, under which agreement that organization will appoint a Caretaker.

2. In the event of (b) above the agreement should at least address the matters covered by articles 11, 20 and 21 of the Convention.

3. In either event, the ownership of the premises of the mission is to be transferred to the extraterrestrial civilization on the day that an extraterrestrial head of mission has taken up his, her or its functions in accordance with Article 13 of the Convention, or as soon as practicable thereafter.

4. In either event, the appointment of the Caretaker is to end on the day that an extraterrestrial head of mission has taken up his, her or its functions in accordance with Article 13 of the Convention, or as soon as practicable thereafter.

Article IV

Prior to the accreditation of an extraterrestrial head of mission the Caretaker is responsible for the employment and direction of any administrative, technical and service staff of the mission and may also employ private servants. In this regard the Caretaker is responsible for any notifications required in accordance with article 10 of the Convention.

Article V

In addition to the three classes of heads of mission prescribed by article 14 a fourth class is hereby created, namely extraterrestrial ambassadors accredited to Heads of State. For matters of precedence and etiquette this class shall take precedence over the other three classes.

Article VI

1. Article 22 of the Convention will apply to the premises of a mission established under article III of the present protocol on the day that an extraterrestrial head of mission has taken up his, her or its functions in accordance with article 13 of the Convention. However, as the premises are intended to be the premises of a mission they should be designed and constructed, and at all times before that day should be managed and treated by the receiving state in accordance with article 22, unless the receiving state has reason to believe that a crime has or is being committed, in which case the premises should be treated as private premises in accordance with the laws of the receiving state.

2. In the event that the Caretaker advises the receiving state, in accordance with article 10 of the convention, that he or she has good reason to believe that the arrival of the head of mission is:

(a) Imminent, then the receiving state is to immediately comply with article 22 in full, and shall do so for at least twenty-four hours; or

(b) Likely on a certain day, then the receiving state is to comply with article 22 in full from one second past midnight on that day until at least one second past midnight on the following day.

3. In the event that an extraterrestrial head of mission arrives to take up his, her or its functions in accordance with article 13 of the Convention, the receiving state is to inform the Secretary General of the United Nations of this fact by the fastest means possible.

4. In either event, if an extraterrestrial head of mission does not arrive within that twenty-four hour period the receiving state is not required to continue to fully comply with article 22 until a further advice is received from the Caretaker under paragraph 2 above.

Article VII

The present Protocol shall be open for signature by all States which are or may become Parties to the Convention, as follows: until <DATE> at the <PLACE TBA> and subsequently, until <DATE>, at the United Nations Headquarters in New York.

Article VIII

The present Protocol is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article IX

The present Protocol shall remain open for accession by all States that may become Parties to the Convention. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article X

1. The present Protocol shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the Protocol with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the present Protocol after its entry into force in accordance with paragraph 1 of this article, the Protocol shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article XI

The Secretary-General of the United Nations shall inform all States which may become Parties to the Convention:

(a) Of advices received in accordance with article VI, paragraph 3 of the present Protocol;

(b) Of signatures to the present Protocol and of the deposit of instruments of ratification or accession, in accordance with articles VII, VIII and IX; and

(c) Of the date on which the present Protocol will enter into force, in accordance with article X.

Article XII

The original of the present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States Parties to the present protocol.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.

DONE at <PLACE> this <NUMBER> day of <MONTH> two thousand and <NUMBER>.
