



General Assembly

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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Forty-third session
Vienna, 29 March-8 April 2004

Provisional agenda¹

1. Opening of the session.
2. Election of the Chairman.
3. Adoption of the agenda.
4. Statement by the Chairman.
5. General exchange of views.
6. Status and application of the five United Nations treaties on outer space.
7. Information on the activities of international organizations relating to space law.
8. Matters relating to:
 - (a) The definition and delimitation of outer space;
 - (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.

¹ In paragraph 4 of its resolution 58/89 of 9 December 2003, the General Assembly endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Legal Subcommittee, at its forty-third session, taking into account the concerns of all countries, in particular those of developing countries, should consider items 5, 6, 7 and 8 as regular items of the agenda, should consider items 9, 10 and 11 as single issues and items for discussion and should consider item 12 in accordance with the work plan adopted by the Committee. In paragraph 5 of the same resolution, the Assembly noted that the Subcommittee, at its forty-third session, would submit proposals to the Committee for new items to be considered by the Subcommittee at its forty-fourth session, in 2005.



9. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
10. 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:
 - (a) Considerations relating to the possibility of the United Nations serving as supervisory authority under the preliminary draft protocol;
 - (b) Considerations relating to the relationship between the terms of the preliminary draft protocol and the rights and obligations of States under the legal regime applicable to outer space.
11. Contributions by the Legal Subcommittee to the Committee on the Peaceful Uses of Outer Space for the preparation of its report to the General Assembly for its review of the progress made in the implementation of the recommendations of the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III).
12. Practice of States and international organizations in registering space objects.
13. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-fourth session.

Annotations

2. Election of the Chairman

In paragraph 12 of its resolution 58/89 of 9 December 2003, the General Assembly agreed that the Committee on the Peaceful Uses of Outer Space and its subcommittees, at the beginning of their sessions in 2004, should conduct the election of the officers agreed upon by the Committee at its forty-sixth session. The Committee at that session agreed that Sergio Marchisio (Italy) should act as Chairman of the Legal Subcommittee for 2004 and 2005.

6. Status and application of the five United Nations treaties on outer space

The Legal Subcommittee agreed that the discussions of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space would include the status of the treaties, review of their implementation and obstacles to their universal acceptance, as well as promotion of space law, especially through the United Nations Programme on Space Applications (A/AC.105/763 and Corr.1, para. 118). At its forty-first session, in 2002, the Legal Subcommittee agreed that the Working Group would review the application and implementation of the concept of the “launching State”, as reflected in the conclusions of the Subcommittee’s consideration of that agenda item, as well as any new, similar issues that might be raised in discussions in the Working Group, provided that those issues fell within its existing mandate (A/AC.105/787, paras. 138 and 140).

In accordance with the agreement reached by the Committee, the Legal Subcommittee should consider the revised text of the proposal for a draft resolution, for consideration by the General Assembly, on the application of the legal concept

of the “launching State”, as contained in document A/AC.105/L.249 (A/58/20, para. 153).

In paragraph 6 of its resolution 58/89, concerning this agenda item, the General Assembly noted that the Legal Subcommittee would reconvene its Working Group with the terms of reference as agreed upon by the Legal Subcommittee, to meet for three years, from 2002 to 2004.

7. Information on the activities of international organizations relating to space law

In the discussion of this item, member States may bring to the attention of the Legal Subcommittee any information on the activities of international organizations relating to space law. In accordance with the agreement reached at the forty-second session of the Legal Subcommittee, international organizations were invited to report to the Subcommittee on their activities (A/AC.105/805 and Corr.1, para. 56).

8. Matters relating to:

- (a) The definition and delimitation of outer space**
- (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union**

In paragraph 8 of its resolution 58/89, the General Assembly noted that the Legal Subcommittee would reconvene its Working Group on this item only to consider matters relating to the definition and delimitation of outer space.

10. 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

- (a) Considerations relating to the possibility of the United Nations serving as supervisory authority under the preliminary draft protocol**
- (b) Considerations relating to the relationship between the terms of the preliminary draft protocol and the rights and obligations of States under the legal regime applicable to outer space**

In paragraph 9 of its resolution 58/89, the General Assembly agreed that the Legal Subcommittee should reconvene its Working Group to consider the questions reflected in sub-items 10 (a) and (b) separately.

11. Contributions by the Legal Subcommittee to the Committee on the Peaceful Uses of Outer Space for the preparation of its report to the General Assembly for its review of the progress made in the implementation of the recommendations of the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III)

Pursuant to paragraph 30 of General Assembly resolution 58/89, the Working Group established by the Committee to prepare a report on the implementation of the recommendations of UNISPACE III for submission to the Assembly could hold informal consultations during the forty-third session of the Legal Subcommittee to advance the preparation of the report.

The draft text reflecting the contributions of the Legal Subcommittee to that report, prepared by the Office for Outer Space Affairs in consultation with the Chairman of the Subcommittee and the Chairman of the Working Group, as agreed by the Legal Subcommittee at its forty-second session, will be made available to the Subcommittee at its forty-third session.

12. Practice of States and international organizations in registering space objects

In accordance with the work plan adopted by the Legal Subcommittee and endorsed by the Committee at its forty-sixth session, member States and international organizations would, in 2004, present reports on their practice in registering space objects and submitting the required information to the Office for Outer Space Affairs for inclusion on the Register.

The Committee agreed that, in addition to reports, member States could make presentations on their practices in registering space objects. The reports submitted by member States will be made available to the Legal Subcommittee (see A/AC.105/C.2/L.250). The Committee also agreed that the Office for Outer Space Affairs should make a presentation on the Register of Objects Launched into Outer Space.

Annex

Organization of work

1. At its forty-second session, in 2003, the Legal Subcommittee agreed that a flexible organization of work should continue to serve as the basis for organizing its work with a view to making fuller use of the conference services available (A/AC.105/805 and Corr.1, para. 9).
2. At the close of the afternoon meeting on 29 March 2004, a symposium entitled “New developments and the legal framework covering the exploitation of the resources of the Moon”, sponsored by the International Institute of Space Law and the European Centre for Space Law, will be held.
3. An indicative schedule of work is provided below.

Indicative schedule of work^a

<i>Date</i>	<i>Morning</i>	<i>Afternoon</i>
Week of 29 March-2 April 2004		
Monday, 29 March	Item 1. Opening of the session	Item 5. General exchange of views
	Item 2. Election of the Chairman	Symposium: New developments and the legal framework covering the exploitation of the resources of the Moon
	Item 3. Adoption of the agenda	
	Item 4. Statement by the Chairman	
	Item 5. General exchange of views	
Tuesday, 30 March	Item 5. General exchange of views	Item 5. General exchange of views
	Item 6. Status and application of the five United Nations treaties on outer space ^b	Item 6. Status and application of the five United Nations treaties on outer space ^b
	Item 7. Information on the activities of international organizations relating to space law	Item 7. Information on the activities of international organizations relating to space law

^a At its thirty-eighth session, in 1995, the Committee on the Peaceful Uses of Outer Space agreed that the practice of allocating specific agenda items to particular meetings at a session should be ended and that, to assist in their planning, member States would continue to be provided with an indicative schedule of work, which would be without prejudice to the actual timing of consideration of specific agenda items (*Official Records of the General Assembly, Fiftieth Session, Supplement No. 20* (A/50/20), paras. 168 and 169 (b)).

^b The Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, to be reconvened in accordance with paragraph 6 of General Assembly resolution 58/89, will meet during the time allocated for the consideration of item 6. The Legal Subcommittee will resume its consideration of item 6 on Wednesday, 7 April, in order to adopt the report of the Working Group.

<i>Date</i>	<i>Morning</i>	<i>Afternoon</i>
Wednesday, 31 March	<p>Item 6. Status and application of the five United Nations treaties on outer space^b</p> <p>Item 7. Information on the activities of international organizations relating to space law</p>	<p>Item 6. Status and application of the five United Nations treaties on outer space^b</p> <p>Item 7. Information on the activities of international organizations relating to space law</p> <p>Item 8 (a). The definition and delimitation of outer space^c</p> <p>Item 8 (b). The character and utilization of the geostationary orbit</p>
Thursday, 1 April	<p>Item 8 (a). The definition and delimitation of outer space^c</p> <p>Item 8 (b). The character and utilization of the geostationary orbit</p> <p>Item 9. Nuclear power sources</p> <p>Item 11. Contributions by the Legal Subcommittee to the Committee report on the recommendations of UNISPACE III^d</p>	<p>Item 8 (a). The definition and delimitation of outer space^c</p> <p>Item 8 (b). The character and utilization of the geostationary orbit</p> <p>Item 9. Nuclear power sources</p> <p>Item 11. Contributions by the Legal Subcommittee to the Committee report on the recommendations of UNISPACE III^d</p>
Friday, 2 April	<p>Item 8 (a). The definition and delimitation of outer space^c</p> <p>Item 8 (b). The character and utilization of the geostationary orbit</p> <p>Item 9. Nuclear power sources</p> <p>Item 11. Contributions by the Legal Subcommittee to the Committee report on the recommendations of UNISPACE III^d</p>	<p>Item 9. Nuclear power sources</p> <p>Item 11. Contributions by the Legal Subcommittee to the Committee report on the recommendations of UNISPACE III^d</p>

^c The Working Group on the Definition and Delimitation of Outer Space, to be reconvened in accordance with paragraph 8 of General Assembly resolution 58/89, will meet during the time allocated for the consideration of item 8 (a). The Subcommittee will resume its consideration of item 8 (a) on Wednesday, 7 April, in order to adopt the report of the Working Group.

^d In accordance with paragraph 30 of resolution 58/89, the Working Group of the Committee, established by the Committee to prepare its report for submission to the Assembly in order for it to review and appraise the implementation of the recommendations of UNISPACE III and to consider further actions and initiatives, will hold informal consultations during the time allocated for the consideration of item 11.

<i>Date</i>	<i>Morning</i>	<i>Afternoon</i>
Week of 5 April-8 April 2004		
Monday, 5 April	Item 10. Draft protocol on matters specific to space assets ^e Item 12. Practice in registering space objects	Item 10. Draft protocol on matters specific to space assets ^e Item 12. Practice in registering space objects Item 13. Proposals to the Committee on new agenda items
Tuesday, 6 April	Item 10. Draft protocol on matters specific to space assets ^e Item 12. Practice in registering space objects Item 13. Proposals to the Committee on new agenda items	Item 10. Draft protocol on matters specific to space assets ^e Item 12. Practice in registering space objects Item 13. Proposals to the Committee on new agenda items
Wednesday, 7 April	Item 13. Proposals to the Committee on new agenda items Adoption of the report of the Working Group on agenda item 6	Adoption of the report of the Working Group on agenda item 8 (a) Adoption of the report of the Working Group on agenda item 10
Thursday, 8 April	Adoption of the report of the Legal Subcommittee	Adoption of the report of the Legal Subcommittee

^e The Working Group on the Draft Protocol on Matters Specific to Space Assets, to be reconvened in accordance with paragraph 9 of General Assembly resolution 58/89, will meet during the time allocated for the consideration of item 10. The Legal Subcommittee will resume its consideration of item 10 on Wednesday, 7 April, in order to adopt the report of the Working Group.