



General Assembly

Distr.: Limited
18 April 2024

Original: English

**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Sixty-third session
Vienna, 15–26 April 2024

Draft report

Addendum

V. Matters relating to the definition and delimitation of outer space and 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. Pursuant to General Assembly resolution 78/72, the Subcommittee considered, as a regular item on its agenda, agenda item 7, which read as follows:

“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.”

2. The representatives of Brazil, Canada, China, Ecuador, France, Indonesia, the Russian Federation, South Africa, Ukraine, the United Kingdom, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 7. Statements were also made by the representative of Colombia on behalf of the Group of 77 and China. During the general exchange of views, statements relating to the item were made by representatives of other member States.

A. The definition and delimitation of outer space

3. The Subcommittee noted that, pursuant to the agreement of the Working Group on the Definition and Delimitation of Outer Space at the sixtieth session, in 2021 ([A/AC.105/1243](#), annex II, para. 6), the Working Group had not met at the present session, but would meet at the sixty-fourth session, in 2025, and that, as per the agreement at the sixty-second session, in 2023 ([A/AC.105/1285](#), annex II, paras. 8



and 9), new documentation would also be prepared by the secretariat for the sixty-fourth session.

4. The view was expressed that the Working Group had a crucial role to play in the search for consensus-based solutions to complex issues and that, with dedicated work by all member States, it could achieve a positive outcome that benefited the entire international space community.

5. Some delegations expressed the view that the topic of the definition and delimitation of outer space should be kept on the agenda of the Legal Subcommittee and that more work should be done on it, as the legal regimes governing airspace and outer space were different.

6. The view was expressed that a new expert group should be established under the agenda item on the definition and delimitation of outer space.

7. The view was expressed that the boundary between outer space and airspace should be established at an altitude not exceeding 110 km above sea level and should be legally fixed in a binding international legal instrument. In that connection, the delegation expressing that view recalled the approach contained in document [A/AC.105/C.2/L.139](#).

8. The view was expressed that legal transparency and clarity of legal norms, in particular regarding the delimitation of outer space, would be useful for avoiding or resolving legal disputes.

9. The view was expressed that discussions on the definition and delimitation of outer space should be balanced and that they should not only be conducive to promoting the free exploration and use of outer space but should also fully respect the principle of sovereignty over airspace and ensure that the rules of aviation law were not undermined.

10. Some delegations expressed the view that the functionalist approach to space law had been the norm since the inception of space activities, that the absence of a definition and delimitation of outer space did not create uncertainty as to the respective applicability of legal regimes and that it was not appropriate, in the current state of space activities, to define and delimit outer space.

11. The view was expressed that an attempt to define and delimit outer space would be an unnecessary theoretical exercise that could unintentionally complicate existing activities and that might not be adaptable to future technological developments. The delegation expressing that view was also of the view that as the current framework had served everyone well, the international community should continue to operate under it until there was a demonstrated need and a practical basis for developing a definition or delimitation of outer space.

12. The view was expressed that while some jurisdictions within a State had adopted or proposed definitions of outer space or related concepts for their own purposes, such as regulatory compliance or tax laws, those actions did not relate to, and were not evidence of, the existence of a definition of outer space under international law.

13. The view was expressed that, as the topic of the definition and delimitation of outer space related to numerous space-related sectors, there should be closer collaboration between the Legal Subcommittee and other relevant bodies, such as the International Civil Aviation Organization (ICAO) and ITU. The delegation expressing that view was also of the view that a related mechanism, comprising representatives of the Office for Outer Space Affairs and ICAO, should be established.

14. The view was expressed that the rapid advancement of scientific and technological capabilities, such as suborbital flights for space tourism, introduced new complexities regarding the delineation of airspace and outer space and the applicable legal frameworks.

15. The view was expressed that relevant information on suborbital flights should continue to be collected, as it would help strengthen coordinated research on related

issues. The delegation expressing that view was also of the view that in the study of the legal regime applicable to suborbital flights, different rules should be applied depending on how deep into space the flights extended and whether the flights were undertaken for peaceful purposes.

16. The view was expressed that the lack of progress in reaching consensus on the definition and delimitation of outer space should not be viewed as an argument in favour of suspending work on the topic.
