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**Committee on the Peaceful
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Draft report

Annex II

Report of the Chair of the Working Group on the Definition and Delimitation of Outer Space

1. At its 897th meeting, on 13 April 2015, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space reconvened its Working Group on the Definition and Delimitation of Outer Space under the chairmanship of José Monserrat Filho (Brazil).
2. The Chair drew the attention of the Working Group to the fact that, pursuant to General Assembly resolution 69/85, the Working Group had been convened to consider only matters relating to the definition and delimitation of outer space.
3. The Working Group had before it the following:
 - (a) Note by the Secretariat on questions on the definition and delimitation of outer space: replies from Member States (A/AC.105/889/Add.15 and 16);
 - (b) Note by the Secretariat on questions on suborbital flights for scientific missions and/or for human transportation (A/AC.105/1039/Add.4 and 5).
4. The Chair called on delegations to undertake practical and tangible steps that could lead to progress in the work of the Working Group, and stressed that such steps should facilitate a constructive discussion among delegations. The Chair recalled his proposal made at the fifty-third session of the Subcommittee, in 2014, to define the term “space activities” with the objective of building a consensus, even a preliminary one, while temporarily putting aside the task of defining and delimiting outer space in order to concentrate on the task of defining space activities, which was one of the areas to be regulated by space law.



5. Some delegations expressed the view that scientific and technological progress, the commercialization of outer space, the participation of the private sector, emerging legal questions and the increasing use of outer space in general had made it necessary for the Subcommittee to consider the question of the definition and delimitation of outer space.
6. Some delegations expressed the view that there was no need to seek a legal definition or delimitation of outer space and that States should continue to operate under the current framework, which presented no practical difficulties, until such time as there was a demonstrated need and a practical basis for developing a definition or delimitation of outer space.
7. The view was expressed that continuing the discussion of the delimitation and definition under the present methodology might not lead to concrete solutions and that it would thus be preferable to consider, for example, other matters linked to the possible definition and delimitation of outer space.
8. Some delegations expressed the view that this matter was practical in nature and called for concrete solutions. The delegations expressing this view were also of the view that this work was not theoretical in nature.
9. The view was expressed that the Working Group could, as a possible way forward, consider matters relating to the compatibility of and interaction between air law and space law.
10. Some delegations were of the view that the delimitation of outer space was a management issue and that the Working Group could first and foremost concentrate on relevant matters that needed a practical solution, such as suborbital flights or launches from flying objects.
11. Some delegations expressed the view that specific cases brought up by various actors conducting space activities could intensify the discussion in the Working Group.
12. Some delegations expressed the view that the Working Group and the Subcommittee should endeavour to foresee hazardous circumstances arising from aerospace activities and legislate them, as well as attempt to develop norms, bearing in mind various scenarios relating to the development of space technology and activities.
13. The view was expressed that it was important for the Working Group to concentrate on its mandate and to consider all possible solutions, and that one such solution could be to conclude that there would not be a need to define and/or to delimit outer space.
14. The view was expressed that, in order to progress in its work, the Working Group could continue to consider national legislation or any national practices that might exist or were being developed that related directly or indirectly to the definition and/or delimitation of outer space and airspace.
15. Some delegations expressed the view that it was necessary for the Subcommittee to address the issue of the definition and delimitation of outer space with a contribution in the form of technical expertise from the International Civil Aviation Organization, which had also been addressing the matter.

16. On the basis of its discussions, the Working Group agreed:

(a) To continue to invite States members of the Committee to submit information on national legislation or any national practices that might exist or were being developed that related directly or indirectly to the definition and/or delimitation of outer space and airspace;

(b) To invite, through the Secretariat, States members and permanent observers of the Committee to submit concrete and detailed proposals regarding the need to define and delimit outer space, or justifying the absence of such a need, or to provide the Working Group with specific cases of a practical nature relating to the definition and delimitation of outer space and the safety of aerospace operations. Such structured, consistent and grounded contributions would be considered by the Working Group at its future meetings;

(c) To continue to invite States Members of the United Nations and permanent observers of the Committee to provide their replies to the following questions:

(i) Is there a relationship between suborbital flights for scientific missions and/or for human transportation and the definition and delimitation of outer space?

(ii) Will the legal definition of suborbital flights for scientific missions and/or for human transportation be practically useful for States and other actors with regard to space activities?

(iii) How could suborbital flights for scientific missions and/or for human transportation be defined?

(iv) Which legislation applies or could be applied to suborbital flights for scientific missions and/or for human transportation?

(v) How will the legal definition of suborbital flights for scientific missions and/or for human transportation impact the progressive development of space law?

(vi) Please propose other questions to be considered in the framework of the legal definition of suborbital flights for scientific missions and/or for human transportation.
