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**Committee on the Peaceful  
Uses of Outer Space**  
Legal Subcommittee  
Fifty-eighth session  
Vienna, 1–12 April 2019

## Draft report

### Annex II

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

1. Pursuant to General Assembly resolution [73/91](#), the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, at its 976th meeting, on 1 April 2019, reconvened its Working Group on the Definition and Delimitation of Outer Space, with André Rypl (Brazil) as Acting Chair in the absence of the Chair, José Monserrat Filho (Brazil).
2. The Acting Chair drew the attention of the Working Group to the fact that, pursuant to the agreement reached by the Subcommittee at its thirty-ninth session and endorsed by the Committee at its forty-third session, both in 2000, and pursuant to General Assembly resolution [73/91](#), 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 national legislation and practice relating to the definition and delimitation of outer space ([A/AC.105/865/Add.22](#));
  - (b) Note by the Secretariat on questions on suborbital flights for scientific missions and/or for human transportation ([A/AC.105/1039/Add.12](#));
  - (c) Note by the Secretariat entitled “Definition and delimitation of outer space: views of States members and permanent observers of the Committee” ([A/AC.105/1112/Add.6](#));
  - (d) Conference room paper entitled “Matters relating to the definition and delimitation of outer space: replies of the United Arab Emirates” ([A/AC.105/C.2/2019/CRP.5](#));
  - (e) Conference room paper entitled “Matters relating to the definition and delimitation of outer space: replies of Greece” ([A/AC.105/C.2/2019/CRP.6](#));
  - (f) Conference room paper entitled “Matters relating to the definition and delimitation of outer space: replies of Tunisia” ([A/AC.105/C.2/2019/CRP.7](#)).



4. The Acting Chair expressed the view that the constant evolution of technology gave rise to concrete case studies relevant to the long-standing debate on the definition and delimitation of outer space, and that as science advanced, the law should follow. In that connection, the Subcommittee and the Working Group should devote particular attention to novel scientific developments, in particular those that increasingly intertwined aeronautic and astronautic activities. In that connection, the Acting Chair brought to the attention of the Working Group the issue of high-altitude pseudo-satellites, which operated at an altitude of 20 km and were capable of providing services formerly the reserve of satellites, such as remote sensing, navigation and telecommunication. Because high-altitude pseudo-satellites functioned as aircraft as defined by the Convention on International Civil Aviation but could deliver the services of space objects, the Acting Chair expressed the view that the Working Group could take a more practical approach, irrespective of theoretical considerations regarding the territorial scope of space law and the delimitation of outer space, although such considerations were certainly important in their own right.

5. Some delegations expressed the view that the issue of high-altitude pseudo-satellites was under consideration by the International Telecommunication Union (ITU) and that the Working Group should not exceed the limits of its competence and avoid overlapping with the work of other entities within the United Nations system.

6. The view was expressed that States clearly held divergent views on not only the need to define and delimit outer space, but also on what constituted the best way to do so. The delegation expressing this view was also of the view that neither spatial nor functional approaches could be regarded as viable solutions to the problem anymore, and that the issue thus had to be approached from another angle, perhaps by combining both spatial and functional methods, or by some other means.

7. The view was expressed that the Working Group could prepare a document synthesizing views expressed thus far on ways to delimit and delineate outer space. Such a document could serve as a starting point for further discussions.

8. The view was expressed that in the absence of a clear definition and delimitation of outer space and airspace, it was impossible to define an area of applicable law, to consistently enforce laws, rules and regulations, and hence to efficiently address legal problems that may arise.

9. On the basis of its deliberations, the Working Group agreed:

(a) To request the Secretariat to do the following:

(i) Update the document “Historical summary on the consideration of the question on the definition and delimitation of outer space” ([A/AC.105/769](#) and [A/AC.105/769/Corr.1](#)) with the work done by the Subcommittee and the Working Group between 2002 and 2019, and the responses of States and international intergovernmental organizations to various requests made by the Working Group during the same period;

(ii) Update the dedicated section of the website of the Office for Outer Space Affairs by adding the responses from States and international organizations to the requests made by the Working Group between 2014 and 2019.

The Working Group agreed to assess the information referred to under (a) (i) and (a) (ii) above at the fifty-ninth session of the Legal Subcommittee, to be held in 2020, and take a decision regarding the future of its work until new developments in the exploration and use of outer space would justify renewing the consideration of matters pertinent to the definition and delimitation of outer space;

(b) 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;

(c) To continue to invite 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;

(d) 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 plans to establish a system of space traffic management and the definition and delimitation of outer space?

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

(iii) 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?

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

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

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

(vii) 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.

(e) To invite States Members of the United Nations and permanent observers of the Committee to provide information relating to any practical case known to them that would warrant the definition and delimitation of outer space.

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