

Canada**Agenda Item 6(a) – Matters relating to the definition and delimitation of outer space.****Delivered by: Curtis Schmeichel, Global Affairs Canada**

Committee on the Peaceful Uses of Outer Space
Legal Subcommittee
Sixty-fourth session, Vienna, May 5-16, 2025

Chair,

Thank you for the opportunity to share Canada's views on this longstanding item, which has been on the agenda of the Legal Subcommittee for many decades. Canada does not consider it necessary to elaborate an international definition or delimitation of outer space. The absence of a clear definition or delimitation has in no way hindered aviation or space activities. To the contrary, both have thrived over the last 60 years.

Rather than focus on the altitude of an object, or its presence in any particular physical area, Canada prefers to focus on the function of the object to determine the applicable law. This functional approach is consistent with the outer space treaties. For example, Article II, paragraph 1 of the Registration Convention refers to a space object that is "launched into Earth orbit or beyond". It does not specify an altitude but rather a function: to orbit the Earth or travel beyond Earth's orbit. Article I(b) of the Liability Convention defines "launching" to include attempted launching. There is no need for a launched space object to reach any specific altitude for the provisions of the Liability Convention to apply. Similarly, liability for damage caused by a space object applies regardless of the location of the object, whether it is in orbit, airspace, or the surface of the Earth.

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Chair, Distinguished Delegates,

In past sessions of the Legal Subcommittee, Canada invited delegations to share any information regarding instances where the lack of a definition or delimitation of outer space has resulted in legal uncertainty or challenges. To date, the Canadian delegation is not aware of any delegation sharing such information. Therefore, from the Canadian perspective, there does not seem to be a legal problem that arises from the lack of an international definition or delimitation of outer space that needs to be studied by the Legal Subcommittee at this time. Moving on from this item could provide more time within this subcommittee to address emerging subjects or to dedicate to existing working group on ongoing topics.

Thank you.