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Committee on the Peaceful Uses of Outer Space

Legal Subcommittee

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Agenda item 8 (a)

**Matters relating to the definition and
delimitation of outer space**

Draft report of the Chairman of the Working Group on the Definition and Delimitation of Outer Space

1. At its 765th meeting, on 31 March 2008, 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 and elected José Monserrat Filho (Brazil) as Chairman of the Working Group.
2. The Chairman drew the attention of the Working Group to the fact that, in accordance with General Assembly resolution 62/217 of 22 December 2007, 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 entitled “Questionnaire on possible legal issues with regard to aerospace objects: replies from member States” (A/AC.105/635 and Add.1-16, Add.7/Corr.1 and Add.11/Corr.1);
 - (b) Note by the Secretariat entitled “National legislation and practice relating to definition and delimitation of outer space” (A/AC.105/865 and Add.1-3);
 - (c) Note by the Secretariat entitled “Questions on the definition and delimitation of outer space: replies from Member States” (A/AC.105/889 and Add.1);
 - (d) Conference room paper entitled “Questionnaire on possible legal issues with regard to aerospace objects: reply from Azerbaijan” (A/AC.105/C.2/2008/CRP.4);



(e) Conference room paper entitled “Questions on the definition and delimitation of outer space: reply from Azerbaijan” (A/AC.105/C.2/2008/CRP.5);

(f) Conference room paper entitled “Questions on the definition and delimitation of outer space: reply from Brazil” (A/AC.105/C.2/2008/CRP.10).

4. Some delegations were of the view that the delimitation of outer space would help States to avoid possible problems connected with the rapid development of space technologies and the increasing activities of States and private entities in the exploration and use of outer space.

5. Some delegations expressed the view that the lack of a definition or delimitation of outer space created legal uncertainty concerning the applicability of space law and air law and that matters concerning State sovereignty and the boundary between air space and outer space needed to be clarified in order to reduce the possibility of disputes among States.

6. Some delegations were of the view that States should continue to operate under the current framework, which had functioned well, and that, at the present time, an attempt to define or delimit outer space would be a theoretical exercise, which could lead to complicating existing activities and might not be able to anticipate continuing technological developments.

7. The view was expressed that, at the current stage of development of space activities, the absence of the definition and delimitation of outer space did not create any problem and that the establishment of the regulation of space traffic was more topical.

8. The view was expressed that the definition and delimitation of outer space would strengthen security and confidence in outer space activities.

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

(a) To suspend the invitation to member States of the Committee to submit their preferences with regard to the replies of Member States to the questionnaire on aerospace objects (A/AC.105/C.2/L.249 and Corr.1 and Add.1 and 2);

(b) To suspend the invitation to member States of the Committee to submit proposals concerning criteria for analysing the replies to the questionnaire on aerospace objects;

(c) To suspend the invitation to Member States to reply to the questionnaire on possible legal issues with regard to aerospace objects. The Working Group took note of the replies of 45 Member States contained in the note of the Secretariat on the questionnaire (A/AC.105/635 and Add.1-16, Add.7/Corr.1 and Add.11/Corr.1) and agreed that consideration of the issue of aerospace objects should be suspended until new events warranted its reconsideration of the issue;

(d) To continue to invite member States 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 air space, taking into account the current and foreseeable level of the development of space and aviation technologies;

(e) To continue to address to the Governments of Member States of the United Nations, through the Secretariat, the following questions:

(i) Does your Government consider it necessary to define outer space and/or to delimit air space and outer space, given the current level of space and aviation activities and technological development in space and aviation technologies? Please provide a justification for the answer; or

(ii) Does your Government consider another approach to solving this issue? Please provide a justification for the answer.

10. The Working Group noted the proposal of the Chairman to organize, in the framework of the Working Group at the forty-eighth session of the Subcommittee, in 2009, a scientific meeting at which the Working Group could hear presentations by interested member States on the existing positions of States regarding the definition and delimitation of outer space. The Working Group discussed that proposal and did not reach a consensus on the need to organize such a scientific meeting.

11. Some delegations expressed the view that the definition and delimitation of outer space remained a topical and important issue that should continue to be considered by the Working Group.
