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English only

**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Fifty-second session
8-19 April 2013

**Questions on the definition and delimitation of outer space:
reply of Pakistan**

Note by the Secretariat

I. Introduction

1. At the forty-fifth session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, in 2006, the Working Group on Matters Relating to the Definition and Delimitation of Outer Space agreed to address to Member States the following questions:

(a) Does your Government consider it necessary to define outer space and/or to delimit airspace 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

(b) Does your Government consider another approach to solving this issue? Please provide a justification for the answer (A/AC.105/871, annex II, para. 7 (f)).

2. At the forty-ninth session of the Subcommittee, in 2010, the Working Group agreed to address to the Governments of Member States the following additional question:

(c) Does your Government give consideration to the possibility of defining a lower limit of outer space and/or an upper limit of airspace, recognizing at the same time the possibility of enacting special international or national legislation relating to a mission carried out by an object in both airspace and outer space? (A/AC.105/942, annex II, para. 11 (c)).

3. At the fifty-first session, the Working Group again invited Member States to submit their replies to the above questions (A/AC.105/942, annex II, para. 11 (b) and (c)).

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4. The present conference room paper contains replies to the above questions received by the Secretariat from Pakistan.

II. Replies received from Member States

Pakistan

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Question (a). Pakistan believes that the recent advancements in the field of space technology and the increasing use of outer space for purposes, both peaceful and potential military, have given rise to various related legal issues that need to be addressed seriously and in a focused manner. While the basic principle of free exploration and use of outer space by all States without discrimination as enshrined in the Outer Space Treaties remains relevant, the issue of definition and delimitation of outer space has gained importance in the context of the liability of States and other entities engaging in space activities as well as maintaining permanent security of outer space and promoting its peaceful uses.

Pakistan supports the idea of having further discussions on the issue of defining outer space and/or delimiting airspace. However the underlying principle enshrined in Article II of the Treaty on “Principles Governing the Activities of States in the Exploration and use of outer space, including the moon and other celestial bodies” regarding non appropriation of outer space, including the moon and other celestial bodies, by claim of sovereignty, by means of use or occupation, or by any other means should not be ignored. Pakistan believes that further discussions among Member States on the issue should continue as it would contribute towards addressing the legal clarity in the implementation of outer space law and airspace law.

The geostationary orbit is a limited natural resource and it is in danger of being saturated. This resource should be used rationally and made available to all States, equitably, irrespective of their current technical capacities. In this regard special attention should be paid to the needs and interests of developing countries. The utilization by States of the geostationary orbit on the basis of “first come, first served” is not appropriate. The unique characteristics of the geostationary orbit necessitate the development of some legal regime to guarantee equitable access to orbital positions for States.

Question (b). Pakistan would support a consensus-based approach that can solve the issue, in a satisfactory manner.

Question (c). The matter requires careful deliberation by all the States. The possibility of development of specific, non-binding, voluntary guidelines reached on the basis of consensus may also be considered as an option in the context of a mission carried out by an object in both airspace and outer space.