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Committee on the Peaceful Uses of Outer Space

Questions on the definition and delimitation of outer space: replies from Member States

Note by the Secretariat

Addendum

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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-eighth session of the Subcommittee, in 2009, the Working Group again invited Member States to submit their replies to the above questions (A/AC.105/935, annex II, para. 13 (b)).

3. The present document has been prepared by the Secretariat on the basis of replies received from the following Member States: Bangladesh, Germany, Iraq, Serbia, Thailand and Tunisia.

II. Replies received from Member States*

Bangladesh

[Original: English]

[27 October 2009]

Space-based technology has assumed great importance in recent times owing to its potential application in telecommunications, telebroadcasting and acquisition of valuable and timely information on the condition of the Earth's atmosphere through remote sensing technology. The United Nations has made a commendable effort to delineate, delimit and specify both the air and space boundaries of individual countries.

Bangladesh has been utilizing both air- and space-based platforms for information and communications, and has developed air-based surveys using sophisticated aircraft equipped with the necessary imaging instruments. Moreover, Bangladesh prospectively plans to launch a multi-mission geostationary satellite for telecommunications, telebroadcasting, information technology-based functioning and microwave remote sensing devices, in addition to telecommunications instruments. The geostationary satellite data will be used for meteorological applications such as monitoring cyclones, rainfall, floods and cold waves, which are regularly occurring phenomena in Bangladesh.

The development of an air-based survey system, polar orbiting and geostationary satellites is very important for Bangladesh. The delineation and

* The replies are reproduced in the form in which they were received.

specification of air and space boundaries by the United Nations will broaden the scope for peaceful activities in the air and outer space by Bangladesh. Further aerospace activity will facilitate the obtention of accurate spatial data to support the sustainable development of the country.

Germany

[Original: English]

[16 November 2009]

Germany has already replied in detail to the questionnaire on possible legal issues with regard to aerospace objects (see A/AC.105/635/Add.6 and 13 and A/AC.105/865). Germany's position remains unchanged with regard to this matter.

Iraq

[Original: Arabic]

[11 November 2009]

Iraq has not formed a specific opinion so far.

It is important to define the borders of outer space and atmospheric space, since this is important for ensuring equal use by all States. It is also related to national sovereignty, particularly in view of the expected technological progress in the field of aviation.

Serbia

[Original: English]

[17 November 2009]

Yes. Owing to the increase in aviation activities and the number of satellites in low orbits, and with a view to having better regulations in the field of telecommunications, it is necessary to define more precisely and to delimit airspace and outer space.

Thailand

[Original: English]

[11 November 2009]

Thailand has consistently taken the position that this is an undeniably classic legal issue that needs urgent clarification. The concept of where airspace ends and outer space begins can no longer be swept aside as not being an urgent matter, because uncertainty in this regard can have a crucial bearing on sovereignty and the liability of launching States and of insurance companies. In addition, a clear definition of outer space can lead to a clearer definition of "space object". As a result, it is necessary to give clear-cut criteria for the definition and delimitation of

outer space. Moreover, it is also clear to us that technology dictates the definition and delimitation of outer space.

Suborbital space flight is a good example. Technological advancement has increased the altitude at which aircraft can sustain flight, which means the expansion of exclusive sovereignty over the airspace of a State's territory. On the other hand, technological advancement has decreased the altitude at which the orbital flight of space vehicles is possible. Therefore, it is important to note that even though it is essential to define and delimit airspace and outer space, the continuation of technological improvement should be taken into consideration. In addition, collaboration with the International Civil Aviation Organization (ICAO) is necessary.

To conclude, with respect to drawing the line between airspace and outer space, by either the spatialism or the functionalism approach, continuing technological advancement should be kept in mind, as well as the necessary cooperation with ICAO.

Tunisia

[Original: French]

[11 November 2009]

Regarding the first question, Tunisia considers it necessary to delimit airspace. The complete and exclusive sovereignty that every State has over the airspace above its territory should be recognized by all other States in conformity with the principles of international law.

Outer space should be explored and used freely by all States without any form of discrimination, on equal terms and in conformity with international law.

Given the current level of development in airspace and outer space, Tunisia believes that it is necessary to delimit airspace to guarantee national security and that outer space should remain accessible to all States.

In view of the possible development of the space industry in Tunisia, it will be necessary to delimit outer space.

In connection with the second question, in the opinion of the Tunisian Government there is no other approach to solving this issue.