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**Committee on the Peaceful
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Draft report

Annex II

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

1. Pursuant to General Assembly resolution 71/90, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, at its 937th meeting, on 27 March 2017, reconvened its Working Group on the Definition and Delimitation of Outer Space under the chairmanship of José Monserrat Filho (Brazil).
2. The 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 71/90, the Working Group was 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.18](#) and 19);
 - (b) Note by the Secretariat on questions on suborbital flights for scientific missions and/or for human transportation ([A/AC.105/1039/Add.7](#), 8 and 9);
 - (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.2](#) and 3);
 - (d) A conference room paper entitled “Matters relating to the definition and delimitation of outer space: replies of Bolivia (Plurinational Republic of)” ([A/AC.105/C.2/2017/CRP.9](#));
 - (e) A conference room paper entitled “Matters relating to the definition and delimitation of outer space: replies of Greece” ([A/AC.105/C.2/2017/CRP.16](#));
 - (f) A conference room paper entitled “Matters relating to the definition and delimitation of outer space: replies of the Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation” ([A/AC.105/C.2/2017/CRP.23](#));



(g) A conference room paper entitled “Matters relating to the definition and delimitation of outer space: replies of Pakistan” (A/AC.105/C.2/2017/CRP.24).

4. The Working Group dedicated extensive time to considering the replies contained in the documents referred to in paragraph 3, above.

5. The Working Group noted that the Chair of the Working Group recalled his proposal to take a flexible and pragmatic approach to the definition and delimitation of outer space; considering that States have different views on the definition and delimitation of outer space, it was important to find a common vision and to attempt to arrive at a commonly agreed standpoint, taking into account all positions and views (A/AC.105/1113, annex II, para. 5). The Working Group also noted that pursuant to this proposal, the Chair of the Working Group would prepare a working paper, to be made available by the Secretariat as a document of the United Nations and sent to member States and permanent observers of the Committee before June 2017.

6. The Working Group agreed:

(a) 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;

(b) 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;

(c) 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 suborbital flights for scientific missions and/or for human transportation and the definition and delimitation of outer space?

(ii) 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?

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

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

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

(vi) 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;

(d) To invite States Members of the United Nations and permanent observers of the Committee to provide their views, comments and own proposals in reaction to the working paper to be prepared by the Chair of the Working Group, referred to in paragraph 5, above.