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Committee on the Peaceful

Uses of Outer Space

Legal Subcommittee

Thirty-ninth session

Vienna, 27 March-7 April 2000

Draft report of the Legal Subcommittee on the work of its thirty-ninth session, held in Vienna from 27 March to 7 April 2000

V. Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the

geostationary orbit without prejudice to the role of the International Telecommunication Union

1. The Chairman made an introductory statement on agenda item 6 at the 624th meeting, on 28 March.
2. The Chairman drew attention to the fact that the General Assembly, in its resolution 54/67 of 6 December 1999, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space¹ that the Legal Subcommittee, at its thirty-ninth session, taking into account the concerns of all countries, in particular those of developing countries, continue, through its working group, its consideration of matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of ITU.
3. The Legal Subcommittee had before it the following documents:
 - (a) Report of the Legal Subcommittee on its thirty-eighth session (A/AC.105/721);

¹ *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 20 (A/54/20)*, para. 100.

(b) Report of the Scientific and Technical Subcommittee on its thirty-seventh session (A/AC.105/736);

(c) 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.1-5), which had been before the Legal Subcommittee at its thirty-seventh session;

(d) Working paper entitled “Some considerations concerning the utilization of the geostationary satellite orbit” (A/AC.105/C.2/L.200 and Corr.1), submitted by Colombia to the Subcommittee at its thirty-fifth session;

(e) Note by the Secretariat entitled “Comprehensive analysis of the replies to the questionnaire on possible legal issues with regard to aerospace objects” (A/AC.105/C.2/L.204), which had been before the Subcommittee at its thirty-sixth session.

4. The attention of the Legal Subcommittee was also drawn to two documents that had been updated by the Secretariat, in cooperation with ITU, in response to the recommendation of the Subcommittee at its thirty-eighth session (A/AC.105/721, para. 41). The first of the two documents was entitled “An analysis of the compatibility of the approach contained in the working paper entitled ‘Some considerations concerning the utilization of the geostationary orbit’ with the existing regulatory procedures of the International Telecommunication Union” (A/AC.105/C.2/L.205/Rev.1) and the second was

a conference room paper (A/AC.105/C.2/2000/CRP.3/Rev.1) containing a compendium of documentation relating to the geostationary orbit.

5. Some delegations expressed the view that as the item on definition and delimitation of outer space and the utilization of the geostationary orbit dealt with two different issues, those issues could be divided into two subitems and considered separately, which would facilitate the work of the Legal Subcommittee relating to the item.

6. Some delegations expressed the view that recent technological developments made it necessary for the Legal Subcommittee to continue its consideration of the question of the definition and delimitation of outer space, in particular relating to aerospace objects, by examining the documents that had been prepared relating to the issue and submitted to the Legal Subcommittee at previous sessions.

7. The view was expressed that in order to facilitate the discussion of aerospace objects, the Secretariat could update the analysis of replies received from member States since the Legal Subcommittee last considered the document entitled "Questionnaire on possible legal issues with regard to aerospace objects: replies from member States" (A/AC.105/635 and Add.1-5). The view was also expressed that it would be useful to the discussion of aerospace objects if the Secretariat investigated the possibility of making available to the Subcommittee the

materials of the symposium on aerospace objects that had been held at the University of Rome.

8. The view was expressed that it was premature to develop any definition or delimitation of outer space when the lack of such a definition or delimitation had not caused any problems in conducting space activities and that an arbitrary and artificial definition or delimitation of outer space would render international law less useful and effective. Another delegation expressed the view that a definition and delimitation of outer space were indispensable for member States to have a legal basis on which to regulate their national territories, as well as to resolve issues arising from collisions that could occur between aerospace objects and aircraft.

9. As mentioned in paragraph [...] above, at its 622nd meeting, on 27 March, the Legal Subcommittee re-established its Working Group on agenda item 6 under the chairmanship of Héctor Raúl Pelaez (Argentina).

10. The Legal Subcommittee noted with appreciation the efforts undertaken by France and the other sponsors of the paper entitled “Some aspects concerning the use of the geostationary orbit” (A/AC.105/C.2/2000/CRP.7), which had been submitted to the Working Group in order to reach consensus on the question of the utilization of the geostationary orbit.

11. The Legal Subcommittee welcomed the agreement reached by the Working Group on the

text of the paper contained in the conference room paper (A/AC.105/C.2/2000/CRP.7). The amended text, as adopted by the Working Group, was considered by the Subcommittee as a conference room paper, entitled "Some aspects concerning the use of the geostationary orbit" (A/AC.105/C.2/2000/CRP.9).

12. At its 631st meeting, on 31 March, the Legal Subcommittee finalized and adopted the second conference room paper. The agreed text of the paper (A/AC.105/C.2/L.221) is attached as annex [...] to the present report.

13. The Working Group on agenda item 6 held [...] meetings. At the [...] meeting, on [...], the Legal Subcommittee endorsed the report of the Working Group, which is contained in annex [...] to the present report.

14. The full texts of the statements made by delegations during the discussion on agenda item 6 are contained in unedited verbatim transcripts (COPUOS/Legal/T.624-631).
