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Agenda item 6 (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 783rd meeting, on 23 March 2009, 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 under the chairmanship of José Monserrat Filho (Brazil).
2. The Chairman drew the attention of the Working Group to the fact that, in accordance with General Assembly resolution 63/90, 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/Add.17);
 - (b) Note by the Secretariat entitled “National legislation and practice relating to definition and delimitation of outer space” (A/AC.105/865/Add.4);
 - (c) Note by the Secretariat entitled “Questions on the definition and delimitation of outer space: replies from Member States” (A/AC.105/889/Add.2 and 3);
 - (d) Conference room paper entitled “Questions on the definition and delimitation of outer space: replies from Qatar and Saudi Arabia” (A/AC.105/C.2/2009/CRP.11);



(e) Conference room paper entitled “National legislation and practice relating to definition and delimitation of outer space: reply from Mexico” (A/AC.105/C.2/2009/CRP.15).

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 growing number of activities of States and private entities in the exploration and use of outer space.

5. The view was expressed 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. The view was expressed that, despite the absence of certain important definitions in international air law, aviation activities continued to develop well.

7. 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, any attempt to define or delimit outer space would be a theoretical exercise that could complicate existing activities and that might not be able to anticipate future technological developments.

8. The view was expressed that no definition or delimitation of outer space was needed for practical purposes and that it would be more useful to determine the scope of application of international space law by analysing the purpose of space missions.

9. The view was expressed that it was important to strengthen existing international space law, in particular with regard to responsibility for and supervision of space activities, and that an international specialized space agency should be established for that purpose.

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

11. The view was expressed that the defining and delimiting of outer space should not lead to revision or amendment of the United Nations treaties on outer space, which provided a solid and effective basis for the regulation of space activities.

12. Some delegations were of the view that alternative approaches to the definition and delimitation of outer space should be given serious consideration.

13. On the basis of its discussions, 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 air space, taking into account the current and foreseeable level of development of space and aviation technologies;

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

- (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.

14. The Working Group noted the proposal of the Chairman that the topic for the symposium to be organized by the International Institute of Space Law and the European Centre for Space Law in the framework of the forty-ninth session of the Subcommittee, in 2010, could relate to the issue of the definition and delimitation of outer space.

15. 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.
