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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-seventh session of the Subcommittee, in 2008, the Working Group again invited Member States to submit their replies to the above questions (A/AC.105/917, annex II, para. 9 (e)).

3. The present document has been prepared by the Secretariat on the basis of replies received by 21 January 2009 from the following Member States: Belarus, Germany and Mexico.

II. Replies received from Member States*

Belarus

[Original: Russian]

The Government of Belarus considers the definition of outer space and the delimitation of airspace and outer space, and their appropriate incorporation into international legal instruments, to be an essential step on the path towards greater international cooperation in the exploration and use of outer space.

Germany

[Original: English]

1. The Government of the Federal Republic of Germany has studied the matters relating to the definition and delimitation of outer space with regard to aerospace objects and responded to the questionnaire. Detailed replies to the questions were formulated by Germany in 1996 (A/AC.105/635) and reiterated in 2006. Having examined the replies given in document A/AC.105/635, Germany notes that its position, as stated in 1996, remains unchanged.

2. For the time being, it is not crucial to draw a fixed spatial borderline between outer space and airspace going beyond the status quo of the current practice. In that regard, it does not seem appropriate to anticipate technical developments. Germany is of the opinion that especially the current limited space tourism activities in the

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

form of suborbital flights do not give reason to consider at present a more concrete borderline between outer space and airspace. The suborbital flights until now could be covered by air traffic law.

Mexico

[Original: Spanish]

1. Reflecting Mexico's strong conviction that undecided issues of concern to the international community should be settled by consensus among its members, the Constitution has since 1960 (i.e. before the adoption 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)¹ provided that the question of the delimitation of airspace and outer space should be settled at some point, ultimately when the common will of States is duly enshrined in a multilateral treaty.
2. Consequently, in order to ensure that States are at some point able to satisfactorily dispel the uncertainty regarding the delimitation of outer space, it is necessary that the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space continue its consideration of the question.

¹ United Nations, *Treaty Series*, vol. 610, No. 8843.