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English only

**Committee on the Peaceful Uses
of Outer Space**
Legal Subcommittee
Forty-seventh session
31 March - 11 April 2008

**Questionnaire on possible legal issues with regard to aerospace
objects: reply from Azerbaijan**

Note by the Secretariat

1. At its forty-sixth session, in 2007, the Working Group on Matters Relating to the Definition and Delimitation of Outer Space of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space agreed to continue to invite Member States to reply to the questionnaire on possible legal issues with regard to aerospace objects (A/AC.105/891, annex II, para. 16 (d)).
2. By 21 January 2008 the Secretariat received replies from the following Member States: Belarus, Czech Republic, Jordan, Morocco and Ukraine. The replies are reproduced in document A/AC.105/635/Add.16.
3. In February 2008 the Secretariat received a reply from Azerbaijan to the questions contained in the questionnaire. The present document contains this reply. The submission of Azerbaijan will be published by the Secretariat in all official languages of the United Nations in document A/AC.105/635/Add.17.

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Question 1. Can an aerospace object be defined as an object which is capable both of travelling through outer space and of using its aerodynamic properties to remain in airspace for a certain period of time?

Azerbaijan

[Original: Russian]

We consider that the definition should be formulated as follows: “A space object is an object capable of remaining and travelling in both airspace and outer space.”

Question 2. Does the regime applicable to the flight of aerospace objects differ according to whether it is located in airspace or outer space?

Azerbaijan

[Original: Russian]

The question evidently relates to the legal regime applicable to the flight of aerospace objects. There are undoubtedly differences in the legal regimes governing such flights. In the first case, when an aerospace object is located in airspace, the norms of international air law apply. In the second case, the norms of international space law apply.

Question 3. Are there special procedures for aerospace objects, considering the diversity of their functional characteristics, the aerodynamic properties and space technologies used, and their design features, or should a single or unified regime be developed for such objects?

Azerbaijan

[Original: Russian]

There are no special procedures at all, at present, but we consider that, in the future, this problem should be considered in greater detail. In our view, it would be more appropriate to develop a unified regime for aerospace objects that would regulate their location in both airspace and outer space.

Question 4. Are aerospace objects while in airspace considered as aircraft, and while in outer space as spacecraft, with all the legal consequences that follow therefrom, or does either air law or space law prevail during the flight of an aerospace craft, depending on the destination of such a flight?

Azerbaijan

[Original: Russian]

An aerospace object should be subject to the norms of international air and space law depending on the purposes and programme of the flight concerned. It is possible that, in the future, once a unified regime for aerospace objects has been elaborated and adopted, it will be seen to be necessary to supplement the existing norms of international air and space law.

Question 5. Are the take-off and landing phases specially distinguished in the regime for an aerospace object as involving a different degree of regulation from entry into airspace from outer space orbit and subsequent return to that orbit?

Azerbaijan

[Original: Russian]

There is currently no such distinction. At the same time, it may be assumed, that, on the re-entry to Earth of an aerospace object that has passed over the airspace of another State, the norms of international air law may apply.

Question 6. Are the norms of national and international air law applicable to an aerospace object of one State while it is in the airspace of another State?

Azerbaijan

[Original: Russian]

We consider that such norms could be applicable, just as, when it is in outer space, an aerospace object should be subject to the norms of international space law. It should, however, be noted that, in some cases, particularly on completion of an Earth-orbit programme, there is little likelihood of the requirements of international air law being fully met.

Question 7. Are there precedents with respect to the passage of aerospace objects during take-off and/or re-entry into the Earth's atmosphere and does international customary law exist with respect to such passage?

Azerbaijan

[Original: Russian]

We find it difficult to reply to the question about whether there are precedents with respect to the passage of aerospace objects following re-entry into the Earth's atmosphere. At the same time, the fact that most States do not complain about the passage of aerospace objects over their airspace does not signify their approval but is rather due to their not being informed about the passage or of any damage caused. As for the question of international customary law in relation to such passages, there is currently no such law.

Question 8. Are there any national and/or international legal norms with respect to the passage of aerospace objects during take-off and/or re-entry into the Earth's atmosphere?

Azerbaijan

[Original: Russian]

In the Republic of Azerbaijan, there are no national legal norms regulating the passage of aerospace objects following re-entry into the Earth's atmosphere, just as there are no international legal norms to that effect. This is a deficiency that, in our view, should be rectified.

Question 9. Are the rules concerning the registration of objects launched into outer space applicable to aerospace objects?

Azerbaijan

[Original: Russian]

In our view, the defining factor is the programme and purpose of a given flight. If the purpose is a space flight, the rules governing the registration of objects launched into outer space undoubtedly apply to aerospace objects. At the same time, it is clear that, in the future, amendments or additions will need to be made to the rules established under the 1975 Convention on Registration of Objects Launched into Outer Space.
