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English only

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

Questions on the definition and delimitation of outer space: reply from Brazil

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 address to Member States the following questions:

(a) 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

(b) Does your Government consider another approach to solving this issue? Please provide a justification for the answer A/AC105/891, Annex II, para. 16 (f).

2. By 21 January 2008 the Secretariat received replies from the following Member States: Belarus, Czech Republic, Denmark, Jordan, Nicaragua and Ukraine. The replies are reproduced in document A/AC.105/889/Add.1. The reply of Azerbaijan received in February 2008 has been reproduced in document A/AC.105/C.2/2008/CRP.5.

3. In March 2008 the Secretariat received a reply from Brazil to the questions. The present document contains this reply. The submission of Brazil will be published by the Secretariat in all official languages of the United Nations in document A/AC.105/889/Add.2.

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Reply of Brazil

[Original: English]

The fast technological advances in space and aviation research point to the development, in the near future, of spacecraft with characteristics similar to those of an “aerospace object”, which could be defined as an object able to fly and perform activities both in outer space and in air space.

Taking this into account, “aerospace objects” should be regulated by international space law when in outer space, and by international and national air law when in air space. The main distinction between these two legal regimes is that in air law, contrary to space law, the principle of State sovereignty prevails.

In order to adequately deal with situations which may arise from the development or utilization of aerospace objects – for example, the development of activities in foreign air space –, it is necessary that the international community take measures to establish universally accepted principles and parameters which lead to the definition of boundaries between outer space and air space.
