



General Assembly

Distr.
LIMITED

A/AC.105/C.2/L.189
30 March 1992

ENGLISH
Original: RUSSIAN

COMMITTEE ON THE PEACEFUL USES OF
OUTER SPACE
Legal Subcommittee
Thirty-first session
Geneva, 23 March-10 April 1992
Agenda item 4

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

Working paper submitted by the Russian Federation

Questions concerning the legal regime for aerospace objects

For the purposes of this working paper, an aerospace object means an object which is launched into outer space and which is capable at some stage in its flight of using its aerodynamic properties to remain in airspace for a relatively long period. This may occur on launch or return from orbit, or during flight, when the aerospace object temporarily enters airspace and then returns to outer space orbit.

Existing international agreements governing activities in the exploration and use of outer space do not, as we know, contain special provisions concerning the regime applicable to the flight of a space object depending on its location. The practice has been established whereby a space object launched by a State may, when being placed in orbit, pass without hindrance over the territory of other States at virtually any altitude. To be sure, prior notification has been given in a number of cases when the altitude of the flight over the territory of a foreign State was approximately 100 kilometres or less. However, such notifications were voluntary and prompted by considerations of international courtesy.

When addressing the problems of the legal regime for aerospace objects, a basic question arises: should the regime applicable to the flight of such an object differ according to whether it is located in airspace or outer space? In our view, the answer to that question should be in the affirmative. Another fundamental question also arises: can a single or unified regime be developed for all aerospace objects, notwithstanding the diversity of their functional characteristics, the aerodynamic properties and space technologies used, and their design features? In that connection, a series of additional questions need to be answered:

Can aerospace objects while in airspace be considered as aircraft with all the legal consequences that follow therefrom?

Should the take-off and landing phases be 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?

Should the norms of national and international air law be applicable to an aerospace object of one State while it is in the airspace of another State or is it necessary to develop special legal norms, to be confirmed in a separate international agreement, for such cases?

Will the use of aerospace objects require the introduction in practice of a special procedure for prior notification of launch and return to Earth?

Should the passage of an aerospace object through the airspace of a foreign State be conditional upon receiving prior authorization?

Do the rules concerning the registration of objects launched into outer space need to be changed with respect to aerospace objects?

Does the concept "launching State" need to be changed or defined more precisely with respect to aerospace objects?

If discussions are held in the Legal Subcommittee on the legal aspects of the regime for aerospace objects, the above questions would appear to deserve attention as possible starting points for the formulation of draft normative provisions.
