



# General Assembly

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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

#### Contents

	<i>Page</i>
I. Introduction . . . . .	2
II. Replies received from Member States . . . . .	2
Azerbaijan . . . . .	2
Brazil . . . . .	3



## 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-sixth session of the Subcommittee, in 2007, the Working Group again invited Member States to submit their replies to the above questions (A/AC.105/891, annex II, para. 16 (f)).

3. The present document has been prepared by the Secretariat on the basis of replies received by 31 March 2008 from the following Member States: Azerbaijan and Brazil.

## II. Replies received from Member States\*

### Azerbaijan

[Original: Russian]

1. Azerbaijan notes that question (a) has been a topic of discussion within the Committee on the Peaceful Uses of Outer Space for over 40 years and that it remains relevant. In the view of Azerbaijan, the delimitation of airspace and outer space is essential. In that regard, it underscores the importance of observing the principle of the full and exclusive sovereign right of States to use airspace located above their territory. At the same time, it is essential to bear in mind article 1 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,<sup>1</sup> according to which outer space should be free for exploration and use by all States without discrimination.

2. In the view of the Government of Azerbaijan, there is no other approach to resolving the issue referred to in question (b).

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

<sup>1</sup> United Nations, *Treaty Series*, vol. 610, No. 8843.

**Brazil**

[Original: English]

1. The speed with which technological advances in space and aviation research are being made indicate that in the near future it will be possible to develop spacecraft with characteristics similar to those of an “aerospace object”, which could be defined as an object capable of flying and performing activities both in outer space and in airspace.
  2. Taking that into account, aerospace objects should be regulated by international space law when in outer space and by international and national air law when in airspace. The main distinction between those two legal regimes is that in air law the principle of State sovereignty prevails while in space law it does not.
  3. In order to adequately deal with situations arising from the development or utilization of aerospace objects (for example, activities in foreign airspace), it is necessary for the international community to take measures to establish universally accepted principles and parameters leading to the definition of boundaries between outer space and airspace.
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