



# 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

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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 from the following Member States: Azerbaijan, Mexico, Qatar and Saudi Arabia.

## **II. Replies received from Member States\***

### **Azerbaijan**

[Original: English]

1. Taking into consideration the existing global geopolitical situation, Azerbaijan considers it necessary to delimit airspace. The complete and exclusive sovereign right of a State over the airspace above its territory (both sea and land) should be recognized by other States according to the principles of international law.

2. In the meantime, it should be taken into account that article I 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 stresses that “the exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind. Outer space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies”.

3. Taking into account the current level of development in the fields of air and outer space, Azerbaijan believes that it is important to delimit airspace for ensuring its national security, but, on the other hand, outer space should remain free for all States.

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

4. The Government of Azerbaijan does not consider any other approach to solving this issue.
5. However, taking into account possible developments in space industry in Azerbaijan, the delimitation of airspace and outer space will be necessary, and relevant decisions will be taken.

## **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 — that is, 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 — provided that the question of the delimitation of airspace and outer space shall 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.

## **Qatar**

[Original: Arabic]

1. The Government of Qatar believes that it is necessary to define airspace and to delimit airspace and outer space, as to do so would help to determine State responsibility, clarify the concept of national sovereignty and prevent any ambiguity with respect to relevant international laws and conventions. To do so would also fulfil the principle of the equality of States under international law.

## **Saudi Arabia**

[Original: Arabic]

1. Saudi Arabia recognizes the importance of the subject but does not consider it necessary to define outer space or to delimit airspace and outer space at the present time.
2. Saudi Arabia believes that this subject should remain under the close oversight and consideration of the Committee on the Peaceful Uses of Outer Space. It affirms the need to make a distinction between outer space and airspace with a view to limiting the outbreak of inter-State conflicts.
3. Saudi Arabia believes that every State has the right of complete and exclusive sovereignty over the airspace above its territory, in accordance with the Convention on International Civil Aviation of 1944 (the "Chicago Convention"). It also believes that no State may claim the right to appropriate any part of outer space, the planets or celestial bodies.