

**General Assembly**Distr.: General
19 February 2007

Original: English/Spanish

**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****Contents**

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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).

2. The present document has been prepared by the Secretariat on the basis of replies received by 7 February 2007 from the following Member States: Czech Republic, Iceland, Nigeria and Venezuela (Bolivarian Republic of).

II. Replies received from Member States*

Czech Republic

[Original: English]

The Czech Republic considers it advisable to discuss and reach an agreement in the Committee on the Peaceful Uses of Outer Space on the interpretation of the terms “outer space”, “space object”, “space activities” and others in order to correctly apply the United Nations treaties on outer space and other space legal documents. However, at this time it does not seem feasible to reach an agreement on the delimitation of airspace and outer space; it will be necessary to wait until a new impetus for the consideration of this issue arises. In the meantime, national laws might define the above terms for the purpose of a precise interpretation and application of these outer space treaties and space legal documents.

Iceland

[Original: English]

Iceland has not defined outer space or delimited airspace and outer space in its current legislation. Preparations are under way for a complete review of the aviation legislation in place, that is, the Aviation Act of 1998.

Nigeria**

[Original: English]

1. Air law is rooted in the principle of sovereignty of States so that a State may lay claim to rights over the airspace above its territory. The legal and philosophical basis of space law is grounded on the principle that outer space is a global commons

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

** The response concerns the question (ii).

and that no State or individual can claim rights in rem to any portion of outer space. While the diversity of instruments traversing, moving, or using airspace and outer space, including their functional characteristics, their aerodynamic properties, their design features and the technologies adopted, will continue to advance, various criteria may also continue to be considered, in a technical context, to arrive at an accurate determination of the frontiers of territorial sovereignty.

2. The coexistence of various forms of law results in multiple agreements and sources of law governing the same topic. With respect to air law and space law, balancing different rights and obligations contained within a single treaty or reconciling norms and procedures in multiple treaties governing the same topic and resolving conflicts across regimes requires a practical approach addressing the relative normativity or hierarchy arising from the determination of whether legal rules exist to govern instruments that traverse, move in or use airspace and outer space, as well as deciding whether priority should be given to a specific rule or interpretation among several that may be applicable to a legal matter or possible dispute. This will assist the determination of international priorities among areas of air law and space law that have developed independently of each other.

3. In the first instance, the determination of the relative normativity or hierarchy of principles and rules among the regimes of air law and space law should be based on accurate definitions of the terms “aircraft” and “space object”. Then, the relative normativity or hierarchy among the regimes of air law and space law as applicable to those agreed definitions of “aircraft” and “space object” should be determined in tandem with clarification of those principles and rules among the regimes of air law and space law pertaining to “freedom of overflight”, “territorial jurisdiction”, “registration of aircraft”, “nationality of aircraft”, “registration of space objects”, “use of outer space”, “outer space activities”, “responsibility” and “liability”.

Venezuela (Bolivarian Republic of)

[Original: Spanish]

1. It can be stated in reply that at present the Bolivarian Republic of Venezuela has no law or legal practice directly or indirectly related to the definition or delimitation of outer space.

2. There is a generally accepted norm at the present time that provides that a State has sovereignty over the airspace above its territory (superadjacent air space). Another principle encountered is that of full freedom for the exploration and use of outer space.

3. In approaching the proposed questions, it is always advisable to begin with a definition, which by its nature is more lasting.