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Committee on the Peaceful Uses of Outer Space

National legislation and practice relating to the definition and delimitation of outer space

Note by the Secretariat

Addendum

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II. Replies received from States members of the Committee

Bahrain

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[4 January 2021]

The National Space Science Agency of the Kingdom of Bahrain is in the final stages of drafting the national space law, which is to be presented to the authorities and subsequently forwarded through the proper legal channels. A copy of the law will be submitted once it is officially published.

Benin

[Original: French]
[25 January 2021]

Provisions on the definition and use of outer space have yet to be established.

However, the airspace of Benin and the use of that airspace are governed by Act No. 2013-08 of 29 August 2013 establishing the Civil and Commercial Aviation Code of the Republic of Benin and its implementing regulations, notably, the Aviation Regulations of Benin. The Regulations are in line with International Civil Aviation Organization standards and recommended practices and are available from <https://anac.bj/documentation-pour-les-usagers-de-lagence-nationale-de-laviation-civile-du-benin>.

Cuba

[Original: Spanish]
[20 January 2021]

Article 11 (a) of the Constitution of Cuba provides that “The State exercises its sovereignty and jurisdiction over the entire national territory, comprising the island of Cuba, the Isla de la Juventud, the other adjacent islands and keys, the internal waters and the territorial sea to the extent established by law, the airspace above them and the radio spectrum.”

Article 3 of Act No. 1318 of 27 November 1976 on the organization, planning and control of flights over the territory and flight information region of the Republic of Cuba states that “The outer boundary of the air defence identification zone (ADIZ) shall be the boundary of the flight information region assigned to the Republic of Cuba, except in those cases in which the airspace of another State overlaps with that boundary. The inner boundary of the air defence identification zone consists of the line that defines the airspace of the Republic of Cuba”.

Article 14 of the same Act establishes that “Foreign aircraft may fly over, to or from the Republic of Cuba using only the established international corridors and airways”.

Article 17 of the Act specifies that “Airways mean the airspace controlled between two or more points located at a distance of no more than 180 km, determined with the help of navigational aids. The width of airways in the Republic of Cuba shall be 18 km, that is, 9 km on either side of the centre line. The width of an airway passing through a region that is subject to restrictions may vary, but shall not be less than 10 km”.

Greece

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[19 January 2021]

Given the current level of space and aeronautics activities in Greece, national legislation defining or delimiting outer space has yet to be put in place (see the relevant reply of Greece in conference room paper A/AC.105/C.2/2017/CRP.16).

Mexico

[Original: Spanish]
[19 January 2021]

The Mexican Space Agency wishes to reiterate what has been stated by Mexico at the meetings of the Working Group and the responses requested by the Office for Outer Space Affairs on the topic: according to the provisions of the Constitution of the United States of Mexico (article 27, fourth paragraph in fine), the space located above the national territory, to the extent and in accordance with the terms established by international law, belongs to the nation.

To date, no binding provisions have been adopted in this regard.

Philippines

[Original: English]
[20 January 2021]

The Philippines adheres to the definition of air space as set out in article 2 of the United Nations Convention on the Law of the Sea,¹ or the space over the territorial sea. Apart from that, it has resulted from consultations that the Philippines does not currently distinguish between or delimit outer space and air space.

However, a possible reference can be found in the Implementing Rules and Regulations of Republic Act No. 10697 or in annex 1 of the Strategic Trade Management Act,² (National Strategic Goods List), in which a strategic good is considered as space-qualified when it is “designed, manufactured, or qualified through successful testing, for operation at altitudes greater than 100 km above the surface of the Earth.”

¹ *Legal status of the territorial sea, of the air space over the territorial sea and of its bed and subsoil*

1. The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea.
2. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.
3. The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law.

² Act Preventing the Proliferation of Weapons of Mass Destruction by Managing the Trade in Strategic Goods, the Provision of Related Services, and for Other Purposes.