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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

Argentina

[Original: Spanish]
[20 January 2022]

The Argentine Republic has not enacted any legislation related directly to the definition or delimitation of outer space and airspace. A number of legal texts relating closely to the use and exploitation of the geostationary orbit have been enacted, including Act 26.092 of 2006, establishing the ARSAT company, whose corporate mission is “to carry out on its own behalf, on behalf of third parties or in association with third parties: (a) the design, development, construction within the country, launch and/or commissioning of geostationary telecommunications satellites in orbital positions resulting from international coordination procedures under the International Telecommunication Union and associated frequency bands; and (b) the corresponding exploitation, use and provision of satellite facilities and/or commercialization of satellite and/or related services”.

Through Act 27.208 of November 2015, the development of the satellite industry was declared to be in the national interest as a State policy and national priority with respect to geostationary telecommunications satellites, and the corresponding Argentine Geostationary Satellite Plan 2015–2035 for telecommunications activities was approved.

Although these legal texts do not establish a specific position with regard to the definition or delimitation of outer space and airspace, they do establish clear guidelines concerning the character and utilization of the geostationary orbit for our country, ensuring its use by the Argentine Republic and promoting the country’s associated industry.

Thus, beyond the considerations set forth above, on the basis of analysis of the legislative texts in force, there is no directly related legislation that approves, establishes or defines the delimitation of outer space and airspace in an express and specific manner.

Armenia

[Original: English]
[24 January 2022]

Armenia has only recently embarked on developing its national space-related sector, starting with the adoption of the Law of the Republic of Armenia on Space Activities on 6 March 2020. The Law provides the necessary legal regulatory framework of objectives and guiding principles for space-related activities. The Law also defines outer space as the space that occurs at 100 km above sea level.

Armenia has ratified all five United Nations treaties on outer space. The provisions and principles of these treaties as the normative international framework governing outer space activities will guide the work of relevant national bodies in developing and implementing the first national space strategy of the Republic of Armenia, as well as other relevant legal regulations.

Greece

[Original: English]
[14 January 2022]

With regard to the delimitation of outer space, and given the current level of space and aeronautics activities in Greece, there is no national legislation yet defining or delimiting outer space (see the relevant reply from Greece in document A/AC.105/C.2/2017/CRP.16).

Indonesia

[Original: English]
[29 January 2022]

The Permanent Mission of Indonesia would like to provide a preliminary response to the questions regarding the definition, delimitation and regulation of the utilization of outer space according to the law of Indonesia, especially Law No. 21 of 2013 on Outer Space, as follows: “Outer space means the space, including all of its materials, beyond airspace, as well as all of the space surrounding and covering airspace. Naturally, outer space begins at approximately 100–110 km above the airspace or the atmosphere of the Earth. Outer space is free to be explored, exploited and utilized by all countries, without discrimination, on the basis of the principle of equity, for peaceful purposes and for the benefit of humankind, as governed by international law.”

Morocco

[Original: French]
[24 January 2022]

Matters relating to the definition and delimitation of outer space are not addressed in the preliminary draft national law on space activities.

Philippines

[Original: English]
[26 January 2022]

The Philippines adheres to the definition of airspace as found in part II, section 1, article 2, of the United Nations Convention on the Law of the Sea, namely, as that area above the territorial sea. Apart from this, consultations determined that there is currently no distinction or delimitation between outer space and airspace within the Philippine context. However, a possible reference may be found in annex 1 (National strategic goods list) to the Implementing Rules and Regulations of Republic Act No. 10697, also known as the Strategic Trade Management Act, 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”.

Saudi Arabia

[Original: Arabic]
[26 January 2022]

The Kingdom of Saudi Arabia currently does not have any practices related to the definition and delimitation of outer space and has yet to develop or implement a national framework for space law that covers matters related to the definition and delimitation of outer space.

Ukraine

[Original: English]
[17 January 2022]

The definition of outer space has not been defined in the legislation of Ukraine. It is usually understood as the space beyond the Earth's atmosphere, the legal regime of which is determined by the norms and principles of international space law. It is based on the principles of international law, and the exploration and use of outer space, including the Moon and other celestial bodies, is carried out for the benefit and in the interests of all countries, regardless of economic and scientific potential.

The international legal system of outer space is based on the principle that outer space, including the Moon and other celestial bodies, is open to research and use by all countries on an equal basis and in accordance with international law, without any discrimination. At the same time, one of the specifics of the legal regime of outer space is the impossibility of extending to outer space the sovereignty of a certain State, as article II 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, signed in 1967, prohibits the appropriation of outer space and celestial bodies, while guaranteeing the principle of freedom of its research and use. The airspace of Ukraine, according to the definition contained in article 1, paragraph 81, of the Air Code of Ukraine, is the part of airspace located over the land and water territory of Ukraine, including its territorial waters (territorial sea), and is limited to the vertical surface passing along the State border of Ukraine. The legal system for airspace is based on the recognition of full and exclusive sovereignty over the territory of each country. In other words, the interior airspace extends within the full and exclusive sovereign territory of a certain country, that is, it is an integral part of the territory of a country and under the country's exclusive jurisdiction. At the same time, the State independently determines the legal system of internal airspace in accordance with the norms and principles of international aviation law. The legal essence of these legal regimes is characterized by the fact that the territory of national airspace is under the jurisdiction of a certain State, and outer space is an indivisible, international territory, to which the sovereignty of any State does not extend. Thus, currently, the legal regime of the national airspace of a State is determined by its national air legislation, and the legal regime of outer space is determined exclusively by international space law. In the legislation of Ukraine, there is no normative determination of the upper limit of airspace to which the territorial sovereignty of the State extends. The most commonly held doctrine in Ukraine is the idea of determining the boundary between airspace and outer space to be at the height of the lowest artificial satellites above the Earth (approximately 100–110 km above sea level).