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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*

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* The present document was prepared on the basis of replies from member States received after 5 January 2009.



II. Replies received from member States

Belarus

[Original: Russian]

1. According to Belarusian law, the airspace above a State's territory is part of that territory and all States have sovereignty over their own airspace. Furthermore, all States have the exclusive right to establish, independently and without outside interference of any kind, the rules governing flights in the airspace above their territory. Thus, under its Air Code of 2006, the airspace above Belarus is part of the territory of Belarus and the State has full and exclusive sovereignty over its airspace.
2. Law No. 156-3 of 5 May 1998, on objects belonging exclusively to the State, declares that the airspace above the territory of Belarus is the exclusive property of the State.
3. As regards the issue of the definition and delimitation of outer space, however, Belarus, which embarked on outer space activities only recently, does not yet have separate domestic legislation relating to outer space but is currently developing legislation that will, inter alia, cover that issue. Current law divides the airspace of Belarus into two categories: classified and unclassified. Airspace below an altitude of 20,100 m is classified and flights within it are governed by domestic legislation: the Air Code and the Rules for the Use of Airspace adopted by Order No. 1471 of the Council of Ministers on 4 November 2006. Outside classified airspace (above an altitude of 20,100 m), which is considered outer space, the provisions of international agreements apply.
4. The 1994 Constitution of Belarus states that Belarus recognizes the supremacy of the generally accepted principles of international law and shall ensure that its domestic legislation is in conformity with them. Law No. 421-3 of 23 July 2008, on international agreements, which entered into force on 5 December 2008, provides that Belarus shall faithfully implement the international agreements it enters into, in accordance with international law.
5. The legal norms contained in the international agreements entered into by Belarus are part of the legislation in force within the territory of Belarus and are applied automatically, except in cases in which it is specified in an international agreement that domestic legislation must be adopted and promulgated for such norms to be applied.
6. Belarus is party to the basic international space agreements, including the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,¹ which it applies automatically. Thus, in accordance with article II of the Outer Space Treaty, Belarus does not claim sovereignty over outer space. In fact, it believes that outer space is the common property of all humankind and is not subject to the sovereignty of any State, which means that the legal regime for outer space is that set out in international agreements on outer space. Belarus also believes that States bear

¹ United Nations, *Treaty Series*, vol. 610, No. 8843.

responsibility for their activities in outer space, which is why it has ratified the Convention on International Liability for Damage Caused by Space Objects² and the Convention on Registration of Objects Launched into Outer Space.³

Czech Republic

[Original: English]

1. To date, the Czech Republic has not adopted national laws on the issue. As to the space activities of the Czech Republic, all have been carried out in full conformity with the United Nations treaties and principles on outer space and the recommendations included in General Assembly resolutions relating to outer space.

2. As to the particular question of practices that might exist or be in development relating directly or indirectly to the definition and delimitation of outer space and airspace, the Czech Republic, taking into account the current and foreseeable level of development of space and aviation technologies, is aware of the difference between the legal regime governing the activities in airspace on the one hand and the legal regime governing space activities on the other hand. Whereas air activities can be carried out only with due regard to the generally recognized principle that States have complete and exclusive sovereignty over the airspace above their territory, outer space, including the Moon and other celestial bodies, has been free for exploration and use by all States in accordance with international law. While a boundary between applicability of those two different legal regimes has not been agreed upon yet, the Czech Republic has respected the customary principle of considering as a space activity the launching of space objects, whose purpose it is to orbit the Earth or otherwise move in outer space.

Mexico

[Original: Spanish]

Article 42 of the Political Constitution of Mexico provides that the national territory of Mexico comprises, inter alia, the space located above the national territory to the extent and in accordance with the rules established by international law.

Mongolia

[Original: English]

Definitions and delimitations relating to outer space and the character and utilization of the geostationary orbit are set out in national legislation by Parliament, the Government, ministries, agencies and the Mongolian Academy of Sciences.

² Ibid., vol. 961, No. 13810.

³ Ibid., vol. 1023, No. 15020.