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COULD THE WORKING PAPER LEAD TO A UNIFIED LEGAL REGIME?: TO RESOLVE LEGAL
CHALLENGES WITH RESPECT TO AEROSPACE OBJECTS

Abstract

By analyzing the UNCOPUOS “Questionnaire on possible legal issues with regard to aerospace objects”, this paper addresses different member States’ responses and ultimately it argues that the questionnaire is one of the ways to harmonize States’ views and establish a unified legal regime for aerospace objects. Specifically, this paper evaluates Questions 1, 7, and 8, which refer to the definition of aerospace objects, and considers precedents, international customary law, and national and/ or international legal norms with respect to the passage of aerospace objects during take-off and/ or re-entry into the Earth’s atmosphere. In summary, the analysis shows that even though there is no consensus among member States about the applicable law to aerospace objects at present, they are still aware of the issues, and that the questionnaire in the working papers can be a basis for formulating international customary law in the near future or can at least help create future legal regimes for aerospace objects.