

55th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

The International Legal Regulation of Outer Space within the Scope of Public International Law (3)

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CONTIGUOUS ZONE BETWEEN AIR SPACE AND OUTER SPACE

AbstractContiguous Zone between Air Space and Outer Space
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Air space and outer space are two distinct ones in that the two distinct laws of domestic and international are to be applicable to the two distinct spaces. The two may not effectively be divided without the recognition of the existence of a huge intermediate space between the two, even if the outer limit and the inner limits of the latter may not be clearly identifiable. Thus come the existence of the three distinguishable spaces, wherein three different rules of law should be applicable. Apparently air spaces are mostly divided into domestic zones of jurisdiction except the zones of the high seas and those under international zones of jurisdiction. Domestic laws will be applicable in most air spaces, otherwise Chicago Convention and other international convention will apply. Outer Space Treaty and other treaties will be applicable, beyond the outer-limit of the intermediate space. The intermediate space exists between the outer-limit of the air space and the inner-limit of the outer space. Due to the development high altitudes platform(HAP) and space tourism, the intermediate space will be utilized by the HAP airplanes. Since their modes of flight and the modes of usage of the intermediate space are quite different from those in air space and those from outer space, it is desirable to develop applicable rules. Since the rather distinct usage of the intermediate space has started from the inner-limit of the intermediate toward the inner-limit of the outer space, one may adopt certain rules from those of the contiguous zone in the law of the sea. Security interests as well as environmental issues should be well taken care of. In that sense the rules of the contiguous zone has been emanated from aspects of its usage and the necessity for its preservation in the area of outer-territorial sea, the rules of the intermediate zone should also develop reflecting the aspects of interests and necessity thereof.