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Mexico Space Regulations

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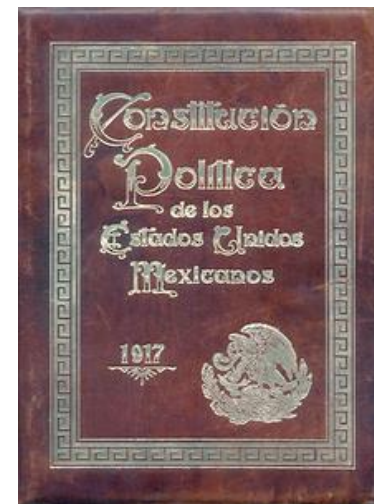
CONTENTS

- I. Introduction
- II. Air Space Regulation
- III. Outer Space Regulation
- IV. Problematic in the dual use of space by space objects
- V. Conclusions

I. Introduction

The starting point of this presentation is the legal basis established by the Mexican Constitution. In fact, Article 27 of the Constitution states that: **“The Nation has the direct domain of ... space above the national territory, to the extent and terms defined by international law.”**

As you may know, to date and after the subject relating to the "definition and delimitation of outer space" has been on the agenda of the Legal Subcommittee (COPUOS) for more than 25 years, it has not been settled. When this happens, Mexico will comply with that resolution that has the force of a binding instrument, that is to say, a Treaty.





II. Air Space Regulation

Civil navigation in the air space over Mexican territory is mainly governed by the provisions of the Civil Aviation Law and Treaties.

Mexican Law regulate exploitation, use or utilization of air space over the national territory concerning provision and development of scheduled and non-scheduled (charter) public civil air transport services; national or international; as well as private air transport (acrobatics, experimental or exhibition flights). It also applies to aircrafts owned by the State, excluding military.



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Mexico is Contracting Party to the Chicago Convention (1944), an international instrument adopted in the context of the Second World War. Its preamble, articles and annexes call to peace, cooperation, harmony and safety of civil air transport, international in this case. In 1947, the International Civil Aviation Organization (ICAO) was created, of which Mexico is a Member.

Some of the provisions of this Convention were introduced in the Mexican Legislation. I will take Article 8 to address the issue of "DRONES", which states that:





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"Pilotless aircraft:

No aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a contracting State without special authorization by that State and in accordance with the terms of such authorization. Each contracting State undertakes to insure that the flight of such aircraft without a pilot in regions open to civil aircraft shall be so controlled as to obviate danger to civil aircraft".

Part of the Mexican regulation comprises the Mandatory Circular which establishes the requirements for operating remotely piloted aircraft systems (RPAS).



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It is a Safety and Security issue. The manufacture of drones has grown exponentially as well as their applications, but what is certain is that it requires strict control to avoid accidents to civil air transport and why not say it, drones may have different applications causing wilful damage.

The regulation of my Country is precise on this; however, control of such aircrafts requires a permanent monitoring system by the State but it seems complicated.

DRON WITH PASSENGER



Drones revolution is an step beyond a Chinese enterprise has presented de first passenger dron until one hundred kilos of weight. It is so simple to move and it is no requiere pilot licence because of an automatical mechanism was put inside the dron. Passenger just needs tu push a botton to take off and land. By now drones have an autonomy of 23 minutes and 100 kilometers per hour.



III. Outer Space Regulation

México Is part of the five Treaties governing outer space adopted by the United Nations:

- Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967)
- Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (1968)
- Convention on International Liability for Damage Caused by Space Objects (1972)

- Convention on Registration of Objects Launched into Outer Space (1975)
- Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979)

Changes to the Treaties governing outer space have been attempted without success. Why? - because the space race has taken a different context: commercialization, privatization of outer space activities, space debris, risks to space objects (asteroids) and especially exploitation of Moon and other celestial bodies resources.





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There are and there will be a number of non-binding provisions which can be the starting point for the adoption of Treaties. There have been initiatives outside the United Nations to adopt provisions such as the International Code of Conduct for Outer Space Activities, but the forum where to conduct the negotiation is the Committee on the Peaceful Uses of Outer Space.

Some issues related to the ITU have been already brought to the table. All that remains for me to say is that the ITU Constitution and Radio Regulations comprise key provisions for space activities, namely, allocation of orbital positions and frequencies, and is in my opinion, after the Outer Space Treaties above mentioned, the most important international instruments for the development of space activities.

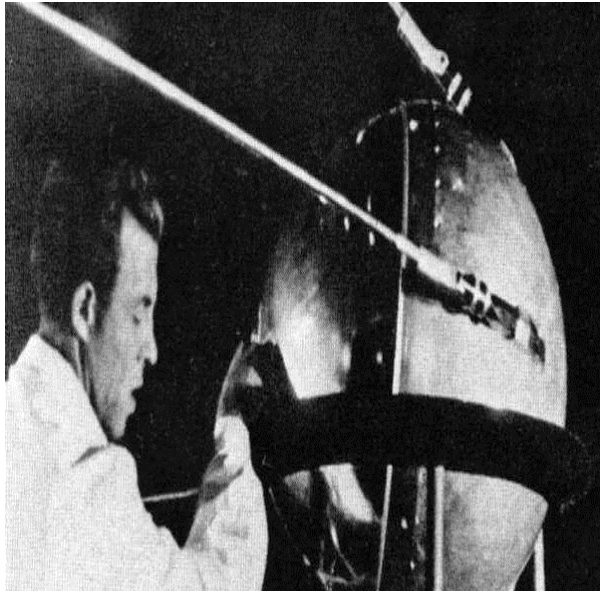
IV. Problematic in the dual use of space by space objects

To date, there is no delimitation between Air Space and Outer Space; however, I will give priority to Air Space due the fact that SAFETY of Space activities is the subject-

matter. Today an "space object" (a satellite payload within a rocket) is launched from a space center launch pad placed on Earth or, in the case of suborbital flights, through aircrafts, BUT in both situations, the departure point towards Outer Space is Air Space.

The Chicago Convention and the Montreal Convention define in an effective manner, the air transport safety conditions and the liability and compensations in the event of accident.





Nevertheless, the problematic in the dual use of space started at the beginning of the Space Race in 1957 with the Sputnik around space. It was amazing and worrying at the same time. It was the root cause that gave rise to the Space Law; however, there were not security issues to worry about. There were few players in the Space Race back then. Today, there are not only drones, suborbital flights, stratospheric balloons, small satellites whose operations sometimes are not well controlled. They are subject of serious concern and that is why we are here in this forum today.



V. Conclusions

1. The delimitation of Air Space with respect to Outer Space turns out to be irrelevant, and as I said before, if this would be the case, Mexico would comply with it if this is established by a Treaty. What is relevant for Mexico is, among others, to safeguard both "spaces" through legal control mechanisms;
2. The Mexican Space Agency (AEM), in charge of leading the space policy according to the law creating the AEM, is drafting two proposed laws: i) the first is on the provisions of the Outer Space Treaties, that although are being complied with, are intended to be reinforced through laws enacted by the Congress of the Union;



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ii) the second is on the comprising of matters contained in non-binding provisions emanating from the United Nations General Assembly.

3. We have an active participation in forums and Organisms of the United Nations such as COPUOS, ICAO and ITU, with the purpose of generating proposals aimed at strengthening International Law and providing security and safety to space activities.

4. For ICAO, the question lies in safety issues more than jurisdiction issues and this is what Mexico has been analysing, not only due to the latest developments on civil aviation but for the searching of safety measures in order to achieve the co-existence of outer space and air space artefacts or objects.





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Nos vemos en...





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THANK YOU

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