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2026 COLLOQUIUM ON INTERNATIONAL LAW

*CREATING
NEW FRONTIERS:*

**Law, Commerce and
ORDER IN
OUTER SPACE**

3 July



2026 COLLOQUIUM ON
INTERNATIONAL LAW

Airspace Governance in Transition: Lessons from ICAO for Low Earth Orbit

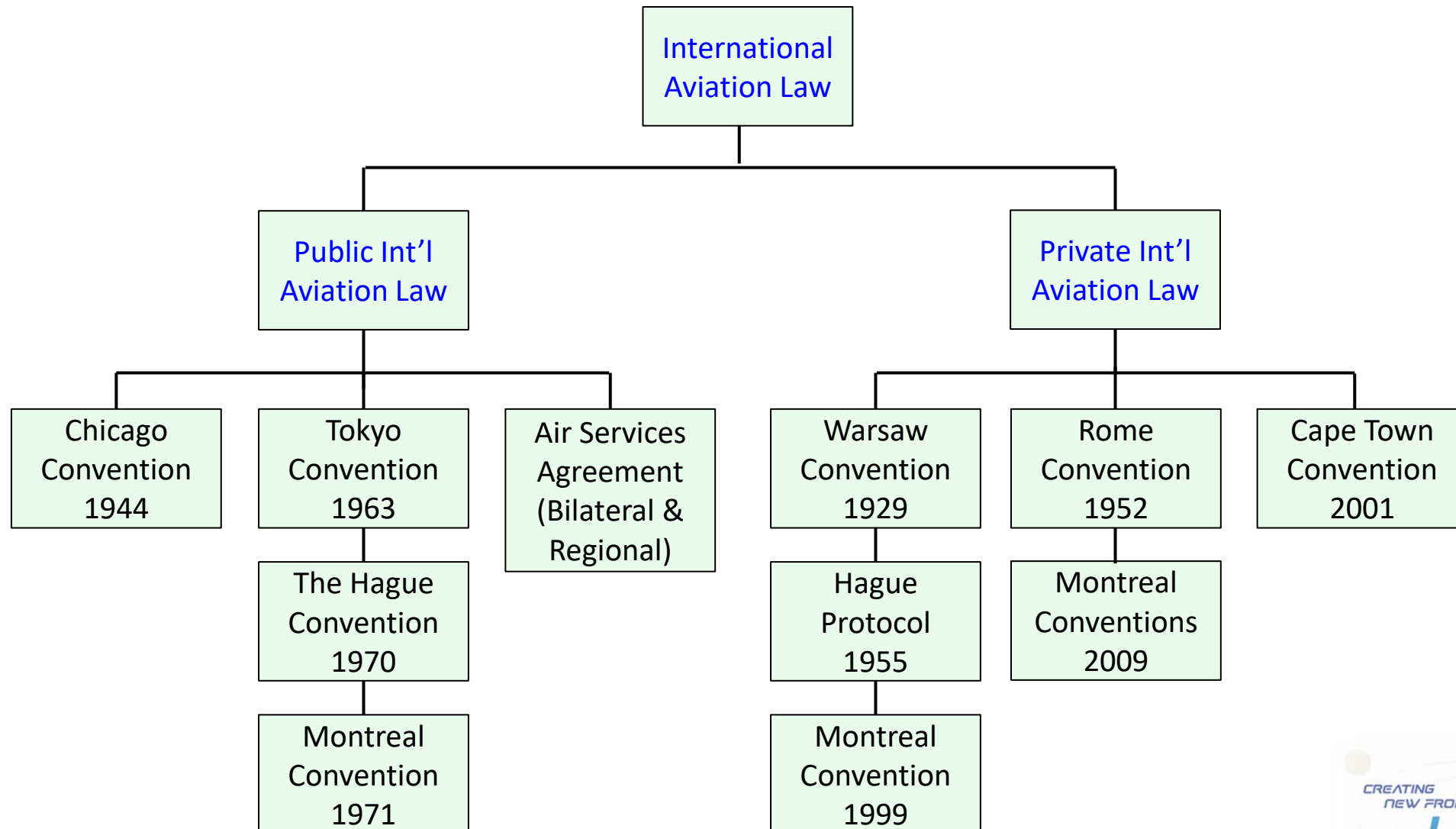
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CREATING
NEW FRONTIERS:
**Law, Commerce and
ORDER IN
OUTER SPACE**

- ✓ Regulatory framework for airspace
- ✓ ICAO regulatory model including SARPs
(Standards and Recommended Practices)
- ✓ How an airspace governance model can be
adapted in low earth orbit (LEO)

International Aviation Law Treaties Snapshot



Convention on International Civil Aviation, Signed at Chicago, 7 December 1944

The Chicago Convention

Article 1

Sovereignty

The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

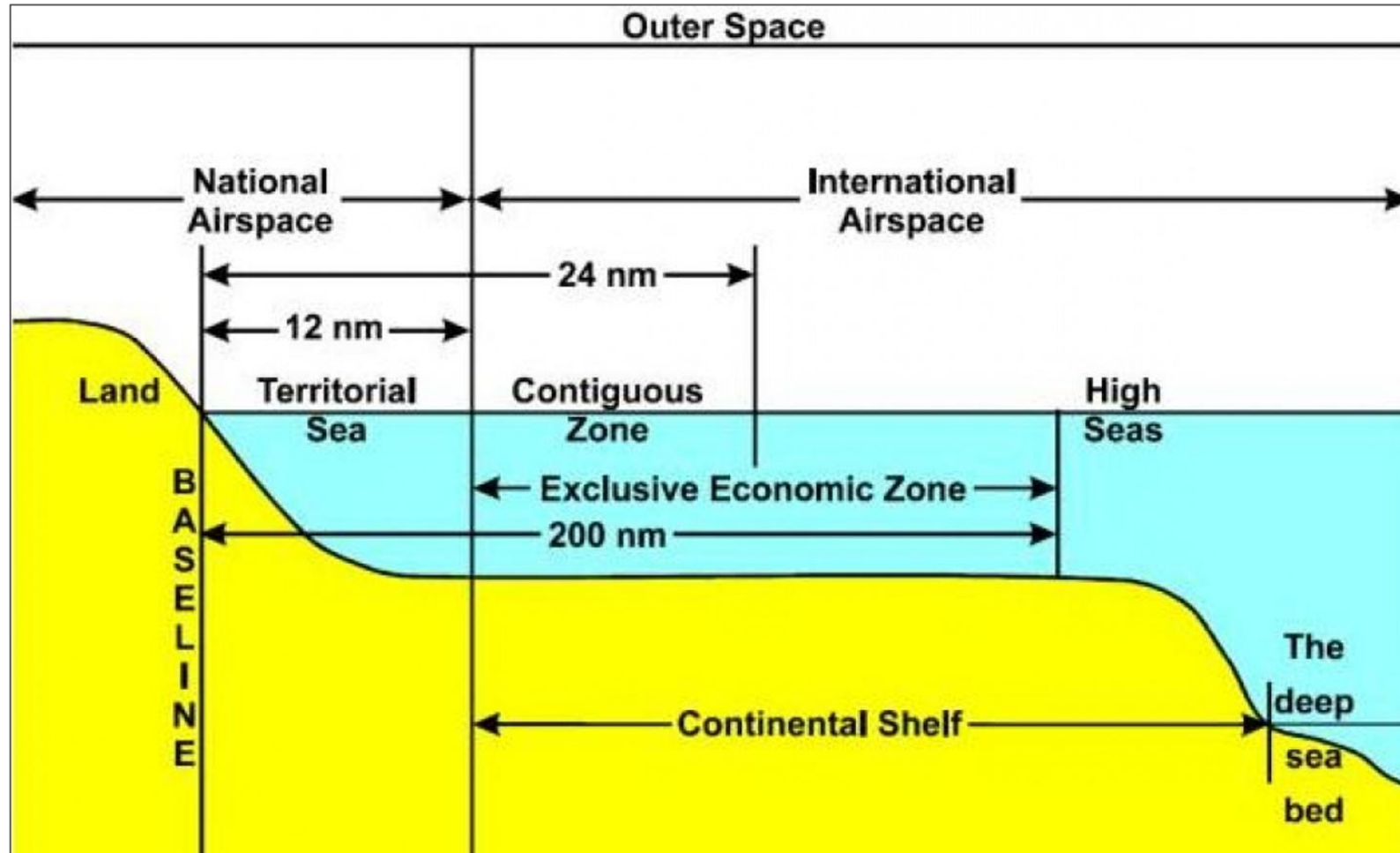
Article 2

Territory

For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.



LEGAL REGIMES OF THE OCEANS AND AIRSPACE



"Article 3 bis

(a) The contracting States recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered. This provision shall not be interpreted as modifying in any way the rights and obligations of States set forth in the Charter of the United Nations.



The Chicago Convention (1944)

Preamble

Part 1: Air Navigation (Art 1 - Art 42)

Part 2: The International Civil Aviation Organization (Art 43 - Art 66)

Part 3: International Air Transport (Art 67- Art 79)

Part 4: Final Provisions (Art 80 - Art 96)

Annex

19 Annexes containing 12,000 Standards and Recommended Practices (SARPs)



Article 54 (I) of the Chicago Convention



‘The Council shall ... adopt ... international standards and recommended practices; for convenience, designate them as Annexes to this Convention’.



Thus, SARPs are grouped into 19 Annexes to the Convention.



19 Annexes

ICAO Annexes	
Annex 1	Personnel Licensing
Annex 2	Rules of the Air
Annex 3	Meteorological Service for International Air Navigation
Annex 4	Aeronautical Charts
Annex 5	Units of Measurement for Air and Ground Operations
Annex 6	Operation of Aircraft
Annex 7	Aircraft Nationality and Registration Marks
Annex 8	Airworthiness of Aircraft
Annex 9	Facilitation (Customs and Immigration procedures)
Annex 10	Aeronautical Telecommunications
Annex 11	Air Traffic Services
Annex 12	Search and Rescue
Annex 13	Aircraft Accident and Incident Investigation
Annex 14	Aerodromes
Annex 15	Aeronautical Information Services
Annex 16	Environmental Protection
Annex 17	Security: Safeguarding International Civil Aviation Against Acts of Unlawful Interference
Annex 18	The Safe Transport of Dangerous Goods by Air
Annex 19	Safety Management

SARPs do not have the same legal force as the Chicago Convention itself.

Is there a legal obligation for states to comply with SARPs?



Article 37 & Article 38 of the Chicago Convention

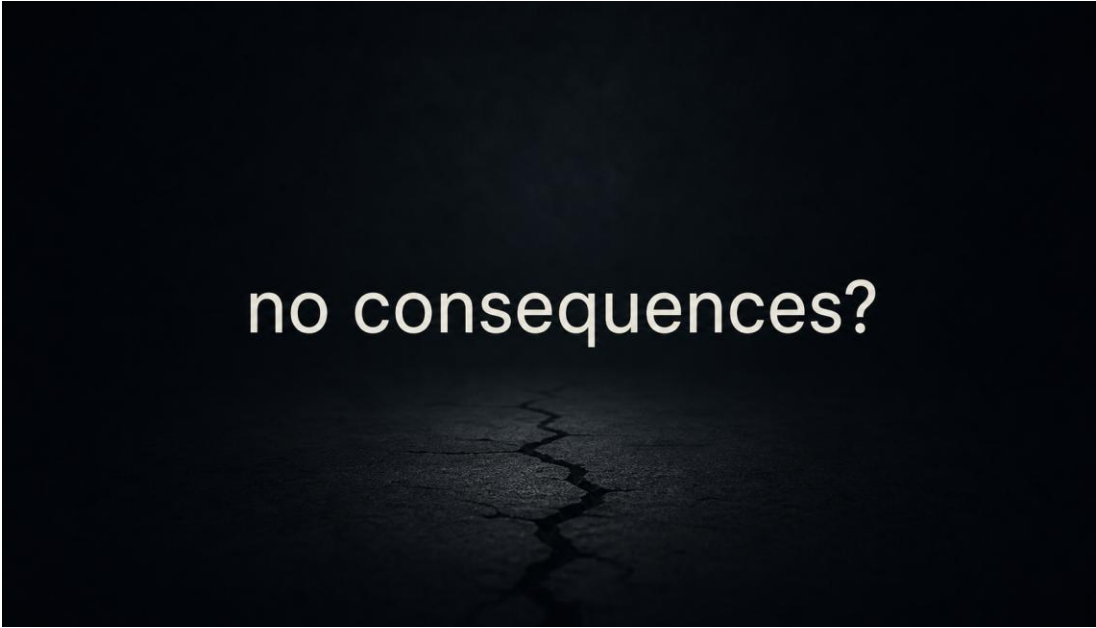
Article 37

Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures...

Article 38 allows states to deviate from standards when it is *'impracticable to comply in all aspects with any such international standard or procedure'*.

However, in that case, the state in question *'shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard'*.

Consequences



no consequences?

Many states with limited technical and economic resources often fail to notify ICAO under Article 38 of the Chicago Convention of their inability to implement SARPs.

However, the Chicago Convention does not have an effective enforcement mechanism for noncompliance with Article 38.

As an international organization, ICAO does not have procedures for enforcing compliance with SARPs.

USOAP: Universal Safety Oversight Audit Programme



With USOAP, ICAO is able to have a 'name and shame' effect despite its lack of enforcement measures for SARP noncompliance.

Although the USOAP helps raise the level of SARP compliance, the legal force of SARPs is not strong enough on a multilateral level.

Air Services Agreements (ASAs), however, provide more powerful and effective measures.



Safety provision in ASAs

Consulting

Failing to maintain the minimum standards (SARPs)

Taking corrective action to meet minimum standards

Otherwise

Withholding, revoking or imposing conditions on operations

Each contracting party can request consultations ‘concerning the safety and security standards and requirements’

The requesting party can notify the other one of findings on its failure to ‘maintain and administer **safety and security standards ... that are equal to or above the minimum standards that may be established pursuant to the Convention**’, and the necessary corrective actions.

The other party should take ‘appropriate action within a reasonable time’; otherwise, the requesting party can withhold, revoke or impose conditions on operating authorization.

From Sky to Orbit: Adapting ICAO Aviation
Frameworks to LEO Space Traffic Management

Policy Paper | 2026

- ✓ Governing Body
- ✓ Information Sharing
- ✓ Licensing & Certification

Thank you!

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