



ISLAMIC REPUBLIC OF IRAN

MINISTRY OF FOREIGN AFFAIRS

PERMANENT MISSION TO THE UNITED NATIONS OFFICE
AND OTHER INTERNATIONAL ORGANIZATIONS
JAURÈSGASSE 3, 1030 VIENNA

Statement

by

Delegation of Islamic Republic of Iran

before

The sixty fourth session of the COPUOS

on

Agenda Item 16: Other Matters

25 August-3 September 2021

Vienna, Austria

In the Name of Allah, the Compassionate, the Merciful

Please, check against delivery

Thank you Chair,

The Islamic Republic of Iran in line with the two CRPs submitted to latest STSC and LSC sessions in which we addressed at length the challenges of the right of equitable access to GEO, believes that the current utilization of Low Earth Orbit (LEO) with the placement of thousands of mega constellations by private sector and companies, prevents the equitable access in particular by developing countries to this natural outer space orbital resource.

Several private companies plan for stationing networks of several thousands of satellites in low earth orbit to enable global access to the internet from any part of the earth. Providing the earth with world-wide internet via mega- constellations from space is both an opportunity and a challenge.

They offer the prospect of a more efficient and much more inclusive and global internet access, while they carry the risk of high occupation of LEO which would be a significant disadvantage in use and explorations of space by developing nations and their access to congested and already overcrowded LEO.

Therefore, the issue of equitable access to outer-space in particular LEO needs to be addressed today more than ever in the light of the emerging new space wave of mega constellations. This highlights the dilemma in space law of balancing concerns of orbital congestion alongside equitable access.

There are questions and challenges to be addressed about the launch of mega-constellations by private companies in terms of consistency of their plans and projects with Space Law as well as associated risks of collisions and even their implications for astronomical science and discoveries. The different launching plans of mega -constellations will occupy the total frequencies assigned by ITU very soon. Even at present LEO is as congested as few or no orbital slots are left for new entrants. This will severely hamper and prevent developing countries' access to space and ultimately would result in monopolization of space by a few countries and their private companies to largely commercialize exploration of outer space merely for their own benefit.

The crucial question that should be posed before the space law is whether the launch of mega constellations by private companies violates Articles II & VI of OST. Article VI articulates the responsibility and liability of states for all national activities in outer space, whether such activities are carried by governmental agencies or by private companies. This article shall gain great significance in the light of ever expanded role of multinational private companies in space for the creation of mega constellations in LEO.

Private companies cannot represent independently in this procedure. Instead governments act on their behalf and notify ITU of the use of certain slots and frequencies. Even some countries that have applied for frequency using by companies operating mega constellations are from other states, originally companies registered.¹

The first come first serve, becomes a hurdle of new arrivals and real distribution of equal access becoming more conflictual even for ITU's basic mechanism of frequency attribution. Should it be the rule for different governments to allow the companies operating Mega internet constellations covering their territories? Should these companies confine their services in line with local laws and regulations namely landing rights of any national legal requirements? These are open questions for developing countries in this regard.

The risk of impinging upon national sovereignty and interference in internal affairs of states in the realm of internet connectivity via LEO satellites would be substantial without proper regulations to get licenses from governments to be able to cover their national territories. While many companies have declared that their goal is to offer users direct connections to satellites, issuing licenses shall be subject to meet certain conditions including inter-alia respect for national sovereignty and national laws and regulations of states that has to be addressed by COPUOS and ITU.

¹ For example, some countries registered satellite and the corresponding need for frequencies on behalf of private companies that ate registered by other countries.