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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
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**Information on the activities of international
intergovernmental and non-governmental organizations
relating to space law**

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I. Introduction

The present document was prepared by the secretariat on the basis of information received from the following international intergovernmental organization: International Organization of Space Communications (Intersputnik).

**II. Replies received from international intergovernmental and
non-governmental organizations**

**International Organization of Space Communications
(Intersputnik)**

A. General information

Founded on November 15, 1971, the Intersputnik International Organization of Space Communications (hereinafter "Intersputnik, Organization") is an international intergovernmental organization headquartered in Moscow, Russian Federation. Today, Intersputnik has twenty-six member countries. At present, the Republic of Guinea-Bissau, the Federal Democratic Republic of Ethiopia and the Republic of South Sudan are considering joining Intersputnik. This, and last year's accession to Intersputnik of the Federal Republic of Somalia, also proves that African countries show growing interest for the space industry.

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B. Orbit and frequency resource

Intersputnik's mission is to contribute to the consolidation of economic, scientific, technological and cultural relations between the member States and third countries aimed at procuring, operating and expanding an international satellite telecommunications system. Within the framework of its technological policy and in accordance with its mission, Intersputnik filed with the International Telecommunication Union (hereinafter ITU) the radio-frequency spectrum in various geostationary-satellite orbital positions.

Today, radio-frequency spectrum is at the disposal of Intersputnik in twenty five positions in the geostationary orbit (hereinafter GSO) from 113W to 164E. With its own orbit and frequency resource, Intersputnik is able to implement satellite projects for the purpose of manufacturing, launching and operating satellites offering the whole range of high-end telecommunication services. As it is known, the radio-frequency spectrum is used by a large and growing number of services such as fixed, mobile, broadcasting, amateur, space research, emergency telecommunications, meteorology, global positioning systems, environmental monitoring and communication services that ensure safety of life on land, at sea and in the skies.¹

C. Joint satellite projects

Unable to fully finance the manufacture and launch of a new satellite on its own, Intersputnik on an ongoing basis requested the assistance of the member States, offering most attractive orbital slots for satellite projects aimed at procuring Intersputnik's own space segment. Regretfully, for some objective reasons it was impossible to draw investors with sufficient funds within the framework of our Organization. Therefore, it was decided to continue using the available frequency and orbit resource in cooperation with outside partners. Essentially, such partnership boils down to the following.

The outside partner pays for the manufacture, launch and deployment of a new satellite in an agreed GSO position. Intersputnik grants to the outside partner the right to operate this satellite using Intersputnik's filed frequency and orbit resource. For Intersputnik to participate in any joint satellite project it is of utmost importance to be able to procure its own satellite resource on new satellites that is a certain number of transponders, which are subsequently used mainly in the interests of Intersputnik's members. Moreover, to meet the interests of its members to the maximum extent possible, Intersputnik takes an active part in defining the configuration and technical parameters of its future transponders.

It is noteworthy that Intersputnik has made much progress in this comparatively new business. Today, joint satellite projects using Intersputnik's frequency and orbit resource are being carried out in five orbital positions. Satellites have already been deployed in three of these slots while in the other two positions satellites will be

¹ ITU web-site: <http://www.itu.int/ITU-R/index.asp?category=information&rlink=itur-welcome&lang=en>.

placed in the near future, undoubtedly, within the ITU regulatory deadlines set for bringing satellite networks into use.

On the one hand, joint satellite projects help acquire sufficient financing to apply the latest technical advances and, consequently, limit the radio-frequency spectrum used to the minimum essential, and on the other hand, let Intersputnik grant to its member States access to satellite capacity on preferential and most favourable conditions and provide in a qualified manner all the necessary advanced telecommunications services, thus meeting our Organization's statutory aims and objectives specified in its constituent documents.

D. Legal regulation of radio-frequency spectrum

While the practical advantages of joint satellite projects using Intersputnik's frequency and orbit resource are evident, it would be appropriate to briefly describe the legal aspect of this issue.

As it is known, the radio-frequency spectrum is a unique limited natural resource, which is about to be exhausted. In this connection it is important to make sure that it is used as set forth in Article I of the 1967 Outer Space Treaty,² based on equality of all States without exception.

At the same time, the GSO radio-frequency spectrum is an integral part of outer space, which is mankind's common asset not to be possessed by, transferred or perpetually assigned to a country. When filing radio-frequency with the ITU in strict compliance with the procedures established by the ITU Radio Regulations a given Telecommunications Administration is temporarily entitled to use certain frequencies and technical parameters in the GSO. Such temporary assignment of the right of use of the radio-frequency spectrum does not empower its holder to make any transactions related to the alienation of the radio-frequency spectrum — sell, donate or exchange it.

However, one must admit that there exists a secondary market for the radio-frequency spectrum rights where one can "lease frequency assignments".

On the one hand, this phenomenon is in no manner regulated by the ITU Radio Regulations while its existence in practice has led and still leads to numerous questions. On the other hand, the lease of frequency assignments does not call in question that radio-frequency spectrum cannot be alienated and does not lead to classical trade in frequency assignments. For third parties including Telecommunications Administrations and the ITU, a State or an international organization in whose interests a satellite network was filed remains to be the possessor of the radio-frequency spectrum concerned including all related rights, obligations and liability.

At the same time, a lease of frequency assignments helps overcome a high degree of GSO monopolization with more users having access to the radio-frequency spectrum. As it is known, as the GSO became increasingly occupied and demand

² Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, January 27, 1967.

grew for satellite communications services satellite operators started taking various steps to prevent competitors from gaining access to the spectrum and orbit.

E. Conclusion

It is beyond any doubt that the ITU and, specifically, its Radiocommunication Sector, play a vital role in the global management of the radio-frequency spectrum successfully implementing both technical and economic methods. At the same time, it is evident that only a comprehensive approach to regulating all aspects of the use of the radio-frequency spectrum can make such use rational, equitable, efficient and economical.

The scarcity of the frequency and orbit resource and the existing high demand for such resource will inevitably result in many more mutually beneficial transactions related to the assignment of radio-frequency spectrum usage rights. Establishing the corresponding regulatory basis for such assignment could significantly increase the opportunities for GSO usage and facilitate the development of future satellite systems. And it is the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space that could play the key role in elaborating this regulatory basis.

In conclusion, I would like to refer to section 0.3 of the preamble of the ITU Radio Regulations calling upon the ITU members to bear in mind that radio frequencies and the GSO are limited natural resources and that they must be used in a manner to allow countries or groups of countries to have equitable access to both, taking into account the special needs of the developing countries and the geographical situation of particular countries. It is important in this context that in the first place Intersputnik implements joint satellite projects in the interests of its members, most of which are developing countries.
