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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 and non-governmental organizations: the International Organization of Space Communications (Intersputnik) and the European Centre for Space Law (ECSL).

* A/AC.105/C.2/L.292.



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

International Organization of Space Communications (Intersputnik)

[February 14, 2014]

A. About Intersputnik

Founded on November 15, 1971, the Intersputnik International Organization of Space Communications (Intersputnik) is an intergovernmental satellite organization headquartered in Moscow, Russian Federation. Today, Intersputnik has twenty-six member countries.[†] Intersputnik's mission is to contribute to the consolidation of economic, scientific, technological and cultural relations between the member states and third countries.

B. International Cooperation

Intersputnik informed the Legal Subcommittee at its previous sessions of Intersputnik's participation in drafting a new Rule of Procedure of the Radiocommunications Bureau of the International Telecommunication Union (ITU) which was finally approved in 2012 by the ITU World Radiocommunication Conference. In 2013, Intersputnik's international cooperation in the field of rule-making went on but at this time within the framework of streamlining domestic legislation in one of Intersputnik member states.

Last August, the Ministry of Telecom and Mass Communications of the Russian Federation invited Intersputnik to take part in discussing the draft Regulation of the Government of the Russian Federation On the International Legal Protection of the Assignment of Radio Frequencies or Radio Channels and the Procedure of the Use in the Territory of the Russian Federation of Satellite Telecommunications Networks Falling under the Jurisdiction of Foreign States.

Intersputnik with great interest and most actively participated in elaborating the draft of the above regulation, which seems to be very important and timely for the following reason.

It will be recalled that on August 22, 2012 the Russian Federation joined the World Trade Organization (WTO).[‡] As a new WTO member Russia assumed a number of obligations including those related to telecommunications services and, specifically,

[†] Azerbaijan, Afghanistan, Belarus, Bulgaria, Hungary, Viet Nam, Germany, Georgia, India, Yemen, Kazakhstan, Kyrgyzstan, Democratic People's Republic of Korea, Cuba, Lao People's Democratic Republic, Mongolia, Nicaragua, Poland, Russian Federation, Romania, Syrian Arab Republic, Somalia, Tajikistan, Turkmenistan, Ukraine, Czech Republic.

[‡] On August 22, 2012 the Protocol of December 16, 2011 on Accession of the Russian Federation to the Marrakech Agreement of April 15, 1994 Establishing the World Trade Organization was ratified and came into force

satellite telecommunications. On the date of acceding to the WTO Russia undertook to avoid any limitations concerning fixed satellite services provided by foreign satellite operators, and three years later to avoid restrictions related to all other satellite telecommunications services offered by foreign satellite operators. Also, as a general rule, foreign parties must have the right to provide such services in Russia without any limitations.

It was for the purpose of eliminating contradictions between the effective Russian legislation and the above obligations of Russia within the framework of the WTO and filling up gaps in domestic regulations that appropriate rules started being made.

C. Draft Regulation of the Government of the Russian Federation

The following two new documents are approved by the draft Regulation of the Government of the Russian Federation:

1. Procedure of the international legal protection in the Russian Federation of radio frequency or radio frequency channel assignments (International Legal Protection Procedure);
2. Procedure of the use in the territory of the Russian Federation of satellite telecommunications networks falling under the jurisdiction of foreign states (Networks Use Procedure).

D. International Legal Protection Procedure

The first regulation — the International Legal Protection Procedure — governs any activity in the Russian Federation related to the international legal protection of frequency assignments including activity related to the filing, coordination and registration with the ITU of frequency assignments, geostationary and other orbital positions as well as performance characteristics of satellites deployed in such positions. As set forth in the Procedure, such activities are based on the standards and rules of international sharing and utilization of the radio frequency spectrum.

The Procedure is applicable both to domestic satellite systems deployed in the interests of Russian individuals or legal entities and to international satellite systems used in the interests of several states, if such systems fall under the jurisdictions of the Russian Federation. At the same time, the Procedure is not applicable to diplomatic (consular) missions of foreign states, and to delegations of foreign states temporarily staying in the Russian Federation, and to the cases whenever the telecommunications administration of the Russian Federation acts as the notifying administration on behalf of a group of named administrations.

Whereas the latter exemption is only applied rarely, it is still very important in terms of abidance by the regulatory documents of the ITU and, specifically, the ITU Radio Regulations, and it is of primary importance to Intersputnik.

It will be recalled that under the ITU Radio Regulations frequency assignments of satellite networks can be filed on behalf of a group of administrations while one of such administrations acts as the notifying administration in the interests of the

whole group. This is also applicable to a group of administrations being members of an intergovernmental satellite organization.

As Intersputnik informed the Legal Subcommittee at its previous sessions, the administration of the Russian Federation acts at the ITU as the notifying administration of Intersputnik. The relationship between the administration of the Russian Federation and the Intersputnik international organization is governed by a bilateral agreement and other internal instruments of the Intersputnik international organization, such instruments defining the procedure of the international legal protection. Not all of the above-mentioned internal instruments have international treaty status, which prevails over national laws according to the Constitution of Russia.

Thus, the above exemption, which was included in the International Legal Protection Procedure following Intersputnik's recommendation, unequivocally lays down that no national regulation of an Intersputnik member state is applicable to the Intersputnik international organization or any of its 25 member states, while preserving the pattern of the relationship between the Russian administration and Intersputnik stipulated in the latter's documents. Obviously, this exemption is also applicable to any other instances when the administration of the Russian Federation files satellite networks with the ITU on behalf of a group of named administrations and acts as the notifying administration in the interests of this group.

E. Networks Use Procedure

The other regulation — the Network Use Procedure — lays down the rules of accessing satellite networks and the procedure of using them in the territory of the Russian Federation, such networks being divided into two groups treated in somewhat different ways:

1. Foreign satellite networks, that is networks filed with the ITU by the administrations of foreign states and equated networks filed in the interests of an intergovernmental satellite organization; and
2. Russian satellite networks filed with the ITU by the administration of Russia and/or in its interests.

As a general rule with several exceptions to be discussed below, foreign satellite networks can be accessed and used in the Russian Federation provided that such satellite networks have been coordinated with adjacent Russian satellite networks as set forth in the ITU Radio Regulations.

Whereas it seems that this reference to an ITU regulatory document is quite natural, this is actually an important achievement of the authors of the Networks Use Procedure and proof of Russia's willingness to fulfil the obligations arising out of Russia's accession to the WTO. In the past, to allow the use of a foreign satellite network the Russian authorized body might demand that such network be coordinated with all adjacent Russian satellite networks regardless of priority. In other words, if a Russian satellite network filed later with no priority under ITU Radio Regulations was viewed in Russia as promising and potentially important for the future development of the national satellite system, this might have been a reason to reject access to a foreign satellite network. This practice could not but

limit foreign satellite operators' entry into the Russian market and, therefore, needed to be given up after Russia joined the WTO.

At the same time, even the new Networks Use Procedure provide for certain limitations with respect to foreign satellite networks. For example, they can be used for government authorities, national defence or security enforcement purposes only in exceptional cases if Russian satellite systems are unavailable and only if agreed upon with the federal executive authorities. Access to foreign satellites is limited in a similar manner: they can be used to maintain economic, infrastructure, energy or ecological security at times when no Russian spacecraft can be used for this purpose and if agreed with the federal executive authorities in the field of telecommunications. At the same time such limitations seem quite reasonable and even necessary for any sovereign state.

F. Current Status

Currently the draft Regulation of the Government of the Russian Federation containing the International Legal Protection Procedure and the Networks Use Procedure is about to be finally agreed upon by the departments concerned. It is expected to be signed and take effect in the first quarter of 2014. Literally, it is going to become a breakthrough and Russia's significant step towards fulfilling its obligations arising out of Russia's accession to the WTO.

In conclusion, it is worth mentioning that Intersputnik is deeply satisfied with the results of joint work within the framework of the expert group preparing the draft Regulation of the Government of the Russian Federation On the International Legal Protection of the Assignment of Radio Frequencies or Radio Channels and the Procedure of the Use in the Territory of the Russian Federation of Satellite Telecommunications Networks Falling under the Jurisdiction of Foreign States and is always ready to share its knowledge and experience in the interests of its member states and third parties.

European Centre for Space Law

[March 17, 2014]

A. Background information

The European Centre for Space Law (ECSL) was established in 1989, on the initiative and under the auspices of the European Space Agency (ESA), with the support of a number of pioneers in the field of space law. It functions under a Charter, amended in October 2009, which defines its structure and objectives. The current Chairman of the ECSL is Professor Sergio Marchisio, of Sapienza University (Rome).

The main objective of the ECSL is to promote and disseminate, in Europe and elsewhere, an understanding of the legal framework pertaining to space activities. The two major tools for reaching that goal are information exchange among interested stakeholders and the improvement and promotion of space law teaching.

Management

The ECSL has a flexible and open structure. The ECSL General Assembly, open to all members, meets every three years. The ECSL Board oversees and assists in the running of the Centre's activities. Board members have outstanding backgrounds and experience in space law and commit themselves to actively promoting the objectives of the ECSL at the national and international level. The Board's Members for the triennium 2013-2016 were elected at the end of 2012.

The Executive Secretariat is in charge of the day-to-day management and growth of the Centre's activities. The current Executive Secretary (as from October 2013) is former Canadian Rhodes Foundation Scholar at the McGill IASL, Edmond Boulle.

Membership and international network

ECSL membership runs annually and consistently numbers well over a hundred natural and legal persons from ESA Member States, associated States and other European countries. The Centre brings together those with careers in space law and other interested parties: Professionals from industry, lawyers, academics and student members all participate in order to encourage interdisciplinary exchange at all levels. Membership is a prerequisite for voting at the elections of the Board, attending the Practitioners' Forum and receiving ECSL publications, such as the ECSL Newsletter and the Summer Course Proceedings.

The ECSL has established a network of National Points of Contact (NPOCs), in 14 ESA Member States in order to provide local support for ECSL activities and facilitate contact between members. The NPOCs are often very active in their own right in the field of space law and provide ECSL members with details of their activities.

B. Summary of 2013 activities

2013 ECSL Practitioners' Forum

The 2013 Practitioners' Forum took place on March 15, 2013 at ESA Headquarters in Paris. The Forum discussed the legal aspects and best practice concerning the registration of satellites, focusing on recent developments of the United Nations register of objects launched into outer space; the case of EUTELSAT; the ITU space registration process; the ESA experience on exercising jurisdiction and control over registered space objects; and the practical case of the Galileo satellites. Some 54 participants from various institutional, commercial and academic professions attended this Forum. It was organized by the previous ECSL Executive Secretary, Ms. Karolina Rybarova, in cooperation with the Coordinator of the Practitioner's Forum, Dr. F. G. von der Dunk, Othmer Professor of Space Law at the University of Nebraska-Lincoln, College of Law. A report is available on the ECSL website.

2013 European Round of the Manfred Lachs Space Law Moot Court Competition

The ECSL is the official regional organizer of the European Rounds of the Manfred Lachs Space Law Moot Court Competition. The 2013 European Round took place in Rome from 9-11 May at Sapienza University on the invitation of the ECSL

Chairman, Prof. Sergio Marchisio. The event was organized in collaboration with the Chair of International Law of the Sapienza University and the Institute for International Legal Studies of the Italian National Research Council. The organizational committee was coordinated by the Vice-President for Cooperation and International Affairs of Sapienza University, Antonello Biagini.

2013 saw nine experienced teams, as well as four newcomers, fiercely competing for the title of European Champion and the chance to represent Europe in front of 3 sitting judges of the International Court of Justice (ICJ) at the World Finals held during the 64th International Astronautical Congress (IAC) in Beijing. In addition prizes were awarded for Best Oralist and Best Memorials. The judges decided to award an ad hoc title of “Best Newcomer” in view of the fact that a first-time entry to the competition, University of Luxembourg, made it to the regional final and became European Runner-up.

The moot court problem concerned a dispute between the Republic of Lydios and the Republic of Enymion over the operation of a lunar station. The winning team was from Leiden University’s International Institute of Air and Space Law. The three team members (Sonja Radosevic, Matthew Maniscalco and Philippe Carous) went on to represent Europe in an outstanding manner in Beijing, finishing respectable Runners-up.

The 22nd ECSL Summer Course on Space Law and Policy

The 22nd edition of the ECSL Summer Course on Space Law and Policy was organized in cooperation with the Austrian NPOC and the Vienna University Faculty of Law, spearheaded by Prof. Irmgard Marboe. It took place between 1-14 September in the picturesque town of Klosterneuberg in the wine country outside Vienna. There were 42 students, including a number of young professionals, coming from 18 countries in Europe and Asia. During the two-week course participants attended intensive lectures given by university professors and space industry practitioners concerning the international and domestic legal framework governing space activities and applications. The students then divided into eight teams to undertake the Summer Course project: “Security for space: simulation of an International Call for tenders”, with Prof. Philippe Achilleas, Director of the Institute of Space and telecommunications Law (IDEST), Paris XI University, as coordinator. The tutors (four returning students) were handpicked and helped the students with their research and organization. The students were also given the chance to visit the European Space Policy Institute and the United Nations Office for Outer Space Affairs where they very ably presented their final projects on space debris mitigation and remediation to a prestigious panel of judges.

2013 Workshops and conferences

The ECSL and the International Institute of Space Law (IISL) jointly organized in 2013 a Symposium on: “The International Institute for the Unification of Private Law (UNIDROIT) Space Assets Protocol” during the 52nd session of the COPUOS Legal Subcommittee (LSC). The event was coordinated by Prof. Tanja Masson-Zwaan, President of IISL, and Prof. Sergio Marchisio. The Subcommittee noted with appreciation in its Report that the Symposium had constituted a valuable contribution to its work. Presentations and details can be found on the website of the United Nations Office for Outer Space Affairs.

C. Documentation and publications

ECSL online legal database

The ECSL Legal Database is a highly valuable research resource and can be consulted online via the ECSL homepage (www.esa.int/SPECIALS/ECSL/index.html). It provides quick and easy links to national and international space law texts with a section dedicated to the various United Nations legal instruments. In addition, there is an extensive space law bibliography organized thematically and a further bibliography, organized chronologically by decade, of key events that influenced space law. It also provides a comprehensive listing of space law journals and other space law institutions.

Space law teaching in Europe and beyond

The booklet “Space law teaching in Europe” was an ECSL initiative, first issued in 1991 and revised in 1993. The booklet included a list of space law teaching institutions, universities and educational centres in Europe. This database is now available and updated on the ECSL website and includes information on educational centres and research facilities working in the area of space law outside Europe. The ECSL welcomes additional or updated information from states participating in the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

ECSL Archives

The ECSL maintains an archive of thousands of hard copy documents at the ESA headquarters in Paris. 2013 saw the completion of a large-scale project to reorganize and catalogue the archives. ECSL members may make an on-site consultation of documents contained in the archives upon special request to the Executive Secretary.

ECSL Newsletter

The ECSL newsletter is available to our members and features articles on recent ECSL and NPOC events, book reviews and other topics of interest to the space law community. The ECSL has just published the 40th Edition and the 41st newsletter will follow later this year.

D. Major events and projects planned for 2014

Board meetings

The last Board meeting in 2013 was held at ESA Headquarters in Paris on 25 October. In 2014, the first Board meeting will take place on 13 March.

2014 Practitioner’s Forum

The annual edition of the Practitioner’s Forum will be held on 14 March at ESA Headquarters and deal with: “Recent Developments in Export Control Regulations on Space Technology”. Eleven speakers from industry, governance, academia and ESA will present before more than 70 expected attendees.

The 2014 IISL-ECSL Symposium at the COPUOS Legal Sub-Committee

The 2014 IISL-ECSL Symposium will be held on the first day of the 53rd session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, the Symposium shall be looking into “Regulatory needs for very small satellites”. ECSL Board member Professor Achilleas (Institute of Space and Telecommunications Law (IDEST)) will present on “International space law and authorization on the national level”.

2014 European Rounds of the Manfred Lachs Moot Court Competition

The 2014 edition of the European Rounds will take place from 14-17 May at the Faculty of Law, Administration and Economics at the University of Wrocław, Poland. This year has seen the highest number of teams register in the 22 year history of the European Rounds: 46 students making up 17 teams from 10 different countries will compete to represent Europe at the IAC in Toronto. The ECSL is proud to bring the competition named in honour of the great Polish jurist to Poland for the first time. The ECSL, in conjunction with the Faculty, will hold a symposium during the event to honour the life and work of Professor Lachs. The World Finals of the competition will take place in Toronto, Canada, from 29 September to 3 October, during the 65th International Astronautical Congress.

Summer Course on Space Law and Policy, 2014

The Twenty-third ECSL Summer Course will be held in September 2014, at the Headquarters of, and in cooperation with, the International Telecommunication Union in Geneva, Switzerland.
