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**Committee on the Peaceful  
Uses of Outer Space  
Legal Subcommittee  
Forty-seventh session  
Vienna, 31 March-11 April 2008  
Item 7 of the provisional agenda\*  
Information on the activities of international  
intergovernmental and non-governmental  
organizations relating to space law**

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intergovernmental and non-governmental organizations  
relating to space law**

**Note by the Secretariat**

Contents

	<i>Page</i>
I. Introduction . . . . .	2
II. Replies received from international intergovernmental and non-governmental organizations . . . . .	2
International Institute of Space Law . . . . .	2
International Law Association . . . . .	7
International Organization of Space Communications . . . . .	10

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\* A/AC.105/C.2/L.269.



## **I. Introduction**

The General Assembly, in its resolution 62/217 of 21 December 2007, endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Legal Subcommittee should consider, as a regular item of its agenda, an item entitled “Information on the activities of international intergovernmental and non-governmental organizations relating to space law”.

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

### **International Institute of Space Law**

#### **A. Background information**

1. The International Institute of Space Law (IISL) was founded by the International Astronautical Federation (IAF) in 1960 with the purpose of carrying out activities for fostering the development of space law and studies of legal and social science aspects of the exploration and use of outer space. IISL currently has individual and institutional elected members from over 40 countries, who are distinguished for their contributions to space law development. As IAF is an officially recognized observer at sessions of the Committee on the Peaceful Uses of Outer Space and its Scientific and Technical Subcommittee and Legal Subcommittee, members of IISL are entitled to be designated as IAF observers to those sessions.

2. IISL was registered as a non-governmental organization in accordance with the laws of the Netherlands on 18 June 2007. The formal address of IISL will remain the IAF address in Paris, which is also where the IISL archives will continue to be stored.

#### **B. General developments**

##### **Plans for improving the work of the International Institute of Space Law**

3. The Board of Directors decided on the following:

(a) *Establishment of a Directorate of Studies*: a Directorate of Studies, composed of Stephan Hobe (Chairman), Ram Jakhu and Steven Freeland was established. Each member was appointed to serve for a term of two years;

(b) *Assignment of tasks to members of the Board*: specific tasks, grouped according to the following areas, will be assigned to members of the Board:

(i) Public communications: public communiqués, publicity and other public relations activities;

(ii) Inter-organizational relations: communications and relations with other organizations;

(iii) Geographical management of various regions;

- (iv) Sponsorship: solicitation and acceptance of sponsorships, donations, legacies and other financial contributions to IISL;
- (v) Recruitment of new members: organization of recruitment of new members, introduction of new members to IISL, increasing public awareness of the possibilities and benefits of IISL membership;
- (vi) Nurturing of young professionals and students: supporting and advising young professionals and students involved in space law;
- (c) *Position of Assistant to the Secretary*: the Board appointed Gerardine Goh of Singapore assistant to the Secretary for a term of two years;
- (d) *Format of the IISL colloquiums*: ways of improving the IISL colloquiums will be explored, as will the means of realizing such improvements. Specifically, discussions will be held on how to improve the quality of invited papers, how to better support young professionals and students and how to limit the number of papers presented at each session;
- (e) *New website*: the Board selected a new Internet service provider and plans to entirely redesign the website.

### **C. Recent activities**

#### **1. Sessions of the Committee on the Peaceful Uses of Outer Space**

4. At the forty-sixth session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, held in Vienna from 26 March to 5 April 2007, IISL and the European Centre for Space Law (ECSL) organized, at the request of the Subcommittee, a two-day symposium for the benefit of the members of the Subcommittee on capacity-building in space law, held on 26 and 27 March 2007. The symposium was jointly coordinated by the secretary of IISL, Tanja Masson-Zwaan, and chaired by the honorary director of IISL, Peter Jankowitsch.<sup>1</sup>
5. IISL was represented by several of its members, who participated as IAF observers in the forty-sixth session of the Legal Subcommittee, and in the fiftieth session of the Committee on the Peaceful Uses of Outer Space, held, also in Vienna, from 6 to 15 June 2007.

#### **2. 50th Colloquium on the Law of Outer Space**

6. The 50th IISL Colloquium on the Law of Outer Space was held in Hyderabad, India, from 24 to 28 September 2007. The Colloquium was well attended and the discussions were constructive. Approximately 80 papers were presented during five sessions on the following topics: (a) the impact of outer space law on regional policies; (b) legal issues of private spaceflight and space tourism; (c) new legal developments in the protection of the space environment; (d) legal aspects of satellite applications: navigation and remote sensing; and (e) the fortieth anniversary of the Treaty on Principles Governing the Activities of States in the

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<sup>1</sup> Details about the programme and the presentations may be found on the website of the Office for Outer Space Affairs of the Secretariat (<http://www.unoosa.org/oosa/COPUOS/Legal/2007/symposium.html>).

Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and other legal matters.

7. In addition, a scientific and legal round table was held entitled “Google Earth et al.: pros and cons of an easier access to satellite images”. IISL also organized a plenary session entitled “New space industry actors in the global marketplace”.

### **3. Sixteenth Manfred Lachs Space Law Moot Court Competition**

8. The sixteenth Manfred Lachs Space Law Moot Court Competition was held during the 50th IISL Colloquium. The case concerning international liability (*Emeralda v. Mazonia*) was written by Jean-François Mayence and David Sagar. Preliminary rounds were held at the regional level in Europe (among 6 teams), North America (among 9 teams) and in the Asian and Pacific region (among 39 teams).

9. The finals were judged by three judges of the International Court of Justice: Judge Abdul Koroma, Judge Peter Tomka and Judge Hisashi Owada.

10. The winner of the final round was George Washington University, United States of America. The University of Queensland, Australia, was the runner-up, and the University of Leiden, the Netherlands, was the second runner-up. The Eilene M. Galloway Award for Best Written Brief was won by the University of Queensland, Australia, while the Sterns and Tennen Award for Best Oralist was won by Rola Lin, University of Queensland, Australia.

11. Nalsar University of Law in Hyderabad, the Indian Space Research Organisation in Bangalore, as well as the National Aeronautics and Space Administration of the United States, the European Space Agency/ECSL and the Japanese Aerospace Exploration Agency (JAXA) sponsored the 2007 world finals.

### **4. Fifth regional space law conference, Chiang Mai, Thailand**

12. The Conference on Space Law and Space Applications for Disaster Management in the Asia Pacific Region was held in Chiang Mai, Thailand, from 20 to 22 November 2007 as follow-up to the IISL regional space law conference held in Bangkok from 6 to 8 August 2006. The Conference was organized by Nipant Chitasombat in cooperation with staff from the University of Chiang Mai and Rangsit University; IISL, JAXA, the National Center for Remote Sensing, Air and Space Law of the University of Mississippi School of Law and the Institute of Air and Space Law of McGill University supported the conference. Sessions were held on the following topics: (a) the facts: natural disasters in the Asian and Pacific region; (b) the legal framework; (c) the role of soft law; (d) the role of the United Nations; (e) regional cooperation; and (f) State responsibility and humanitarian assistance. The proceedings will be published by the University of Chiang Mai.

### **5. Second Eilene M. Galloway Symposium on Critical Issues in Space Law**

13. The Eilene M. Galloway Symposium on Critical Issues in Space Law was organized by the National Center for Remote Sensing, Air and Space Law of the University of Mississippi School of Law and IISL and hosted by the Cosmos Club in Washington, D.C., on 6 December 2007. The symposium was entitled “International Civil Space Cooperation: Obstacles and Opportunities”. Lawyers,

scientists and representatives of space agencies and the space industry participated in the event. Some of the papers will be published in the proceedings of the IISL.

14. The third Eilene M. Galloway Symposium on Critical Issues in Space Law will again be hosted by the Cosmos Club in Washington, D.C., on 11 December 2008.

## **6. Awards**

15. A Lifetime Achievement Award was presented to Sridhara Murthi (India) and a Distinguished Service Award was presented to Ram Jakhu (Canada).

16. The Dr. I. H. Ph. Diederiks-Verschoor Award was given to Fabio Tronchetti (Italy), a PhD student at Leiden University, for his paper entitled "The non-appropriation principle under attack using article II of the Outer Space Treaty in its defence." The Award honours the best paper presented at an IISL colloquium by an author under 40 years of age who has not published more than five papers in the proceedings of IISL colloquiums. The Award consists of a medal and a prize of 500 euros.

## **7. Elections**

17. Ram Jakhu, Corinne Jorgenson, Ricky Lee (as at 1 January 2008), Francis Lyall, Sergio Marchisio, Kai-Uwe Schrogl and Maureen Williams were elected to the Board of Directors. Tanja Masson-Zwaan was elected President and Corinne Jorgenson was elected Secretary (both as at 1 January 2008). Nandasiri Jasentuliyana was elected President Emeritus and Patricia Sterns, who did not stand for re-election, was named Honorary Director. Gabriella Catalano Sgrosso and Rosa María Ramirez de Arellano were not re-elected.

18. Two institutional and 21 individual members were elected to IISL in 2007.

## **D. Future activities**

### **1. IISL and ECSL symposium for delegates of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space**

19. IISL and ECSL will organize a symposium on the legal implications of space applications for global climate change, to be held on 31 March and 1 April 2008, for delegates of the Legal Subcommittee during the forty-seventh session of the Subcommittee.

### **2. 51st Colloquium on the Law of Outer Space**

20. The 51st IISL Colloquium on the Law of Outer Space will be held in Glasgow, United Kingdom of Great Britain and Northern Ireland, from 29 September to 3 October 2008. At the Colloquium, the following topics will be discussed in sessions:

(a) *Private international law regarding space activities.* Originally, space law was of a purely public nature but today it is integrating more and more aspects of private law, even at the international level. For this session, the first devoted exclusively to private law issues, speakers are invited to submit papers that address

theoretical and practical issues and that present concrete cases that demonstrate how private international law has become relevant for space activities;

(b) *The fortieth anniversary of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space: looking ahead.* The Rescue Agreement was drafted when the typical mission profile involved a single country. Today, mission profiles usually involve more than one country. Speakers are invited to submit papers that address the legal aspects of applying the Rescue Agreement to international cooperative mission profiles;

(c) *Weaponization of outer space in the light of the Outer Space Treaty.* Speakers are invited to submit papers that address legal aspects of evolving national policies and military doctrines and international responses thereto;

(d) *Legal aspects of natural near-Earth objects.* Near-Earth objects are increasingly gaining international attention, from the perspective of exploration and exploitation of natural resources and from the perspective of potential deflection in case of collision. Speakers are invited to submit papers that address the legal aspects of those activities;

(e) *Other legal matters.* In this session, authors may address any other matter relating to the law of outer space, with special emphasis on recent developments.

21. A scientific and legal round table will be held in Glasgow, United Kingdom, entitled "Paper satellites: problems of policy, regulation and economics." IISL has already submitted proposals for topics to be presented at a plenary session.

### **3. Seventeenth Manfred Lachs Space Law Moot Court Competition**

22. The semi-finals and finals of the seventeenth Manfred Lachs Space Law Moot Court Competition will be held in Glasgow, United Kingdom, during the 51st Colloquium in 2008.

23. the case concerning the continued provision of lifeline satellite services to countries in the face of satellite operator insolvency was written by Maury Mechanick with John Gantt. Three judges of the International Court of Justice will be invited to judge the finals. Regional rounds will be held in Europe, North America and the Asian and Pacific region. Details about each round and the case may be found at the website of the competition (<http://www.spacemoot.org/>).

### **4. 52nd IISL Colloquium on the Law of Outer Space**

24. The 52nd IISL Colloquium on the Law of Outer Space will be held in Deajeon, Republic of Korea, from 12 to 16 October 2009.

### **5. Eighteenth Manfred Lachs Space Law Moot Court Competition**

25. The world finals of the eighteenth Manfred Lachs Space Law Moot Court Competition will be held in Deajeon, Republic of Korea, in October 2009.

### **6. First Latin American regional air and space law conference**

26. A conference on air and space law jointly organized by IISL and the Institute of Air and Space Law of McGill University is being planned. Although it was

originally going to be held in the Bolivarian Republic of Venezuela in April 2008, it has since been decided to postpone the event until later in 2008 and/or to seek an alternative venue.

#### **E. Publications**

27. The following publications have been or will be published:

(a) The proceedings of the 49th Colloquium on the Law of Outer Space, held in Valencia, Spain, were published by the American Institute of Aeronautics and Astronautics;

(b) The proceedings of the 50th Colloquium on the Law of Outer Space, held in Hyderabad, India, will be published by the American Institute of Aeronautics and Astronautics;

(c) The Report of the Standing Committee on the Status of International Agreements Relating to Activities in Outer Space was prepared by Andrei Terekhov and will be published in the IISL proceedings;

(d) The proceedings of the fourth IISL regional space law conference, held in Bangkok in August 2006, have been published by the Institute of Air and Space Law of McGill University;

(e) IISL prepared material for the United Nations annual review of developments in international cooperation and space law *Highlights in Space*,<sup>2</sup> under contract with the United Nations;

(f) IISL submits annual reports on IISL activities to the Committee on the Peaceful Uses of Outer Space;

(g) The Institute is working with the Office for Outer Space Affairs of the Secretariat to finalize an update of its bibliography of IISL proceedings since 1996.

#### **F. Concluding remarks**

28. IISL is honoured to cooperate with the Committee on the Peaceful Uses of Outer Space and its subsidiary bodies in the further development of space law. In particular, IISL is prepared to assist, as appropriate, in carrying out background studies needed by the Committee. Given that certain areas that might need to be regulated by law also deal with technical issues, IISL could assist by carrying out preparatory work for consideration by the Committee.

### **International Law Association**

#### **A. Background information**

1. The International Law Association (ILA) was founded in Brussels in October 1873, in the wake of and possibly prompted by the outcome of the Alabama Arbitration. Its headquarters are in London. From its beginnings, ILA policy has been one of openness and outreach, its objectives being the study, clarification and development of international law, both public and private, and the furtherance of

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<sup>2</sup> *Highlights in Space 2007* (United Nations publication, Sales No. E.08.I.7).

understanding and respect for international law. Those objectives have been pursued mainly through the work of the international committees of the ILA. The focus of ILA activities is its series of biennial conferences, which provides a forum for discussing and endorsing the work of the committees. The Space Law Committee of ILA was established 50 years ago during the 48th ILA International Conference held in New York, in 1958, following the launch of the first Sputnik.

2. The current ILA World President (for the period 2006-2008) is Milos Barutciski (Canada), Lord Slynn of Hadley is Chairperson of the Executive Council and Christine Chinkin of the London School of Economics is Director of Studies. The Space Law Committee of ILA is a permanent observer of the Committee on the Peaceful Uses of Outer Space and its subcommittees. Maureen Williams is Chairperson of the Space Law Committee and Stephan Hobe is its General Rapporteur. The Space Law Committee cooperates with other international organizations, both public and private, such as the International Law Commission (ILC) and IISL of IAF. ILA recently established a study group on the responsibility of international organizations, which work closely with ILC, particularly on that topic. The ILA study group is headed by Eduardo Valencia Ospina, a distinguished member of the ILC and both officers of the ILA Space Law Committee are also members of the ILA study group on responsibility of international organizations.<sup>3</sup>

## **B. Recent activities**

### **1. United Nations Expert Meeting on Promoting Education in Space Law**

3. Members of the Space Law Committee, including the Chair and the General Rapporteur, were invited by the Office for Outer Space Affairs to take part in the United Nations Expert Meeting on Promoting Education in Space Law, held in Vienna on 3 and 4 December 2007. Participants in the meeting explored the possibility of developing a curriculum for a basic course on space law that could be used for the benefit of developing countries by the regional centres on space science and technology education, affiliated to the United Nations. The development of such a curriculum would be in pursuance of the request made by the Legal Subcommittee at its forty-sixth session (A/AC.105/891, para. 60).

### **2. 72nd Conference of the International Law Association**

4. The Space Law Committee presented its second report on the legal aspects of the privatization and commercialization of space activities: remote sensing and national space legislation in a session at the 72nd ILA Conference, held in Toronto, Canada, from 4 to 8 June 2006. During the session, special attention was also given to issues of registration since those issues were relevant to topics included in the terms of reference of the Space Law Committee: the use of Earth observation satellites and their many applications and the increase of national laws on outer space.

5. The report presented in the session focused on State practice concerning all three issues (remote sensing, national space legislation and registration). In Toronto,

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<sup>3</sup> Further information on the ILA Space Law Committee is available on the ILA website ([www.ila-hq.org](http://www.ila-hq.org)).



participants in the session of the Space Law Committee also discussed the possible reasons for the timid support given by States to the Convention on Registration of Objects Launched into Outer Space.<sup>4</sup> Since it entered into force in 1976, the Convention has been ratified by only 49 States. The ILA Space Law Committee underlined the importance of the registration of space objects to support existing treaties because of the close link between registration on the one hand and liability and responsibility on the other.

6. A third report is being prepared for submission to the 73rd ILA Conference, to be held in Rio de Janeiro, Brazil, from 17 to 21 August 2008. That report will address the various chapters of the Committee's terms of reference and contain some draft suggestions. The third report will also include comments on the legal aspects of space debris (based on the International Instrument on the Protection of the Environment from Damage caused by Space Debris, which was adopted at the 66th ILA Conference, held in Buenos Aires in 1994) and on dispute settlement related to space activities (based on the draft convention on the settlement of disputes related to space activities, adopted by the 68th ILA Conference, held in Taipei, Taiwan Province of China, in 1998). Since their adoption, both topics addressed in those documents continue under permanent review by the Space Law Committee, which is well aware of progress being made in the field of space debris in light, inter alia, of the work produced by the Scientific and Technical Subcommittee and the scope and strength of the European Code of Conduct for Space Debris Mitigation.

### **C. Future activities**

#### **73rd Conference of the International Law Association**

7. At its forty-sixth session, the Legal Subcommittee invited the Space Law Committee to keep the Subcommittee informed of relevant matters dealt with by the International Law Commission (A/AC.105/891, para. 55). The Legal Subcommittee also took note of the report by the Space Law Committee of ILA on its most recent contributions relating to space law, including its comments and suggestions on registration issues contained in a note by the Secretariat (A/AC.105/C.2/L.265).

8. On that matter, the study group on the responsibility of international organizations will meet in the framework of the 73rd Conference of the International Law Association. The Legal Subcommittee and the Office for Outer Space Affairs will be kept informed and updated on the progress and results of that commitment.

9. In accordance with its terms of reference for the 73rd ILA Conference, the Space Law Committee will be reporting on remote sensing, national space legislation, registration, space debris and dispute settlement. Special attention will be paid to the use of satellite data in national and international litigation and its value as evidence in court. This issue, which will be discussed under the general heading of "Remote sensing: Earth observation satellites," was first addressed at the 70th ILA Conference, held in New Delhi in 2002, and continued to be addressed at the 71st ILA Conference, held in Berlin in 2004, and at the 72nd ILA Conference,

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<sup>4</sup> United Nations, *Treaty Series*, vol. 1023, No. 15020.

held in Toronto, Canada, in 2006. There will also be two open forums for discussing the weaponization of outer space and space traffic management.

10. Keeping in mind the terms of the present ILA mandate for its Space Law Committee and the many implications involved in the topics under study, the final report may be expected for the 74th ILA Conference, to be held in Amsterdam in August 2010. In the meantime, suggestions by ILA members and other interested parties are welcome.

#### **D. Publications**

11. Members of the ILA Space Law Committee, as well as other experts of renown from both developed and developing countries, are currently contributing to a book entitled *Derecho Espacial* (“space law”), to be published in Spanish by a major legal firm in Argentina. The *raison d’être* of this volume, which is part of a collection of 25 volumes on different aspects of international, comparative and domestic commercial law and related topics, is the shortage of comprehensive and updated books of that kind in Spanish-speaking countries. The book will include an in-depth analysis of the provisions embodied in the five United Nations space treaties and United Nations principles, as well as contributions by experts on the main topics addressed. The book, edited by the Chairperson of the ILA Space Law Committee, is expected to be printed shortly.

12. The officers of the ILA Space Law Committee may be contacted as follows:

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### **International Organization of Space Communications**

#### **A. Background information**

1. The International Organization of Space Communications (Intersputnik) was established following the conclusion, on 15 November 1971, of the Agreement on the establishment of the “Intersputnik” international system and Organization of Space Communications,<sup>5</sup> as amended by the Protocol on Amendments to the Agreement on the establishment of the “Intersputnik” international system and Organization of Space Communications of 4 November 2002.

2. In July 2007, the Directorate of Intersputnik requested the Institute of Law and Comparative Jurisprudence of the Government of the Russian Federation to clarify the international legal status of Intersputnik. Following some research, the Institute drew the official conclusions outlined below.

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<sup>5</sup> United Nations, *Treaty Series*, vol. 862, No. 12343.

3. Intersputnik is an autonomous international organization with its own legal personality under international law, which means that it is legally independent of any State.
4. The States that signed the Agreement on the establishment of Intersputnik have already expressly given their consent to establish the organization and authorized its activity in their territories. That means that any attempt to make Intersputnik liable under national law would be a violation of the international contract entered into by a signatory State.
5. In accordance with the Agreement, Intersputnik enjoys the rights of a legal entity but is not subject to the national laws of signatory States.
6. The national laws of signatory States where Intersputnik does business are applicable exclusively to issues not governed by the Agreement on the establishment of Intersputnik or by agreements concluded by Intersputnik and the competent bodies of the signatory States where Intersputnik does business.

#### **B. Members of the International Organization of Space Communications**

7. As of December 2007, the Governments of the following 25 States were full members of Intersputnik: Afghanistan, Azerbaijan, Belarus, Bulgaria, Cuba, Czech Republic, Democratic People's Republic of Korea, Georgia, Germany, Hungary, India, Kazakhstan, Kyrgyzstan, Lao Democratic People's Republic, Mongolia, Nicaragua, Poland, Romania, Russian Federation, Syrian Arab Republic, Tajikistan, Turkmenistan, Ukraine, Viet Nam and Yemen.
8. Representatives of Angola confirmed their interest in joining Intersputnik.

#### **C. Signatories of the International Organization of Space Communications**

9. As of December 2007, States signatories to the Protocol on Amendments to the Agreement on the establishment of Intersputnik appointed, from among national telecommunications organizations and/or administrations, 20 Intersputnik signatories.
10. On 27 November 2006, the Parliament of Romania passed an act on accession to the Protocol on Amendments to the Agreement on the establishment of Intersputnik. In March 2007, the Government of Romania appointed the National Radiocommunications Company as Intersputnik signatory for Romania. The National Radiocommunications Company of Romania has signed the operating agreement of Intersputnik.
11. According to Enactment No. 709 dated 22 November 2006 of the Government of the Russian Federation, on the replacement of the Russian signatory to Intersputnik, the Ministry of Information Technologies and Communications of the Russian Federation forfeited its status as a signatory. All the rights and obligations to which the Ministry was subject as a signatory and its share of the organization's share capital were transferred to the Russian Satellite Communications Company. Nonetheless, the Ministry of Information Technologies and Communications continued to represent the Government of the Russian Federation as a member of Intersputnik.

12. On 5 November 2007, the Ministry of Economy and Technologies of Germany appointed Romantis GmbH as that country's second signatory to Intersputnik. The operating agreement with Intersputnik was signed by a representative of Romantis GmbH during the sixth meeting of the Intersputnik Operations Committee, which was held in Moscow on 20 and 21 November 2007.

13. The Governments Afghanistan and Kazakhstan are still in the process of appointing signatories to the operating agreement.

#### **D. Companies of the International Organization of Space Communications**

14. The phase-by-phase privatization of Intersputnik is currently embodied in the establishment of a group of companies that take care of the bulk of the core business of Intersputnik that serves the purpose of business diversification.

15. A year has passed since subsidiary company Intersputnik Holding Ltd. became operational. The results achieved during the first year of operation of Intersputnik Holding Ltd. have confirmed that the decision to establish the subsidiary was a correct one. In just one year, the company's small team has managed to elaborate and apply a business strategy for the development of the group and develop new value-added products and services that supplement those already offered by Intersputnik.

16. Currently, the primary source of revenue for Intersputnik Holding Ltd. is the Russian company Isatel Ltd., which has managed to become an important player in the Russian telecommunications market and to develop steadily. In October 2007, Intersputnik Holding Ltd. entered the Central Asian market through its Kyrgyz subsidiary. On the basis of experience and technologies already accumulated in the Russian Federation, the new subsidiary is expected to support the rapid development of Intersputnik Holding Ltd. in 2008.

17. Today, all companies in the Intersputnik group are solvent and do business in various countries while focusing on business development in Intersputnik member States, in accordance with the strategic goals of Intersputnik.

#### **E. Operating agreement of the International Organization of Space Communications**

18. At its fifth meeting, held in Sofia on 24 April 2007, the Operations Committee of Intersputnik accepted the proposal made by the Russian Satellite Telecommunications Company that amendments to the operating agreement should be drafted and submitted to the sixth meeting of the Operations Committee for review and instructed the Directorate to do so.

19. In drafting the amendments, the Directorate proceeded from the Committee's more than two years' working experience and set itself the task of making the operating agreement effective through those amendments. The Directorate aimed to bring the text of the operating agreement in line with other internal corporate documents that had already been approved by the Committee.

20. At its sixth meeting, held in Moscow on 20 November 2007, the Operations Committee of Intersputnik approved amendments to the operating agreement and resolved to apply the agreement, as amended, on a provisional basis until it was approved by the Board at its next session, to be held in April 2008.

21. The most important sections of the operating agreement were amended as follows:

(a) *The concept of the share capital was simplified.* The share capital of Intersputnik consists of three types of investments: mandatory investment, additional investment and voluntary investment. The amount of the mandatory investment is now to be set by the Committee as a fixed value rather than as a percentage of the total share capital. This is because the size of the mandatory investment may become unattractive to new signatories if the share capital continues to grow. The current investment that depends on the degree of space segment utilization and that no signatory has contributed to for a long time has been replaced with the additional investment. For those signatories that are currently required to make the utilization-dependent investment, this investment will be converted into the additional investment at a fixed value. The voluntary investment, whether in cash or in kind, will be kept for signatories that may wish to increase their share in the share capital;

(b) *The status of the signatory was modified.* The definition of the term “signatory” was broadened to include not only telecommunications administrations or national telecommunications companies but also other competent Government authorities and national companies engaged not only in telecommunications but also in other communications businesses. This new definition gives Intersputnik members more opportunities to select and appoint future signatories. The procedure of accrual of signatory rights and obligations under the operating agreement is now clearly defined. This procedure provides for the appointment of a signatory by an Intersputnik member, payment by the signatory of the mandatory investment and signature of the operating agreement;

(c) *Formation and functioning of the Operations Committee.* Intersputnik gave up the principle of selecting Committee members from among a limited number of signatories and, consequently, also the principle of the weighted vote of a signatory and the aggregate vote of the signatories. According to the operating agreement, as amended, the Committee consists of all signatories, each of whom has one vote. Meetings of the Committee can be attended by observers from national telecommunications entities pending appointment as signatories;

(d) *Replacement of vague dispute settlement procedure.* The vague dispute settlement procedure previously in place, which made use of ad hoc arbitration, was replaced with a clear and transparent procedure consisting of several stages. The new procedure allows signatories to settle potential disputes efficiently and quickly.

#### **F. New versions of the regulatory documents of the International Organization of Space Communications**

22. The approval by the Operations Committee of the amended version of the operating agreement was the logical completion of the Directorate’s two-year rule-making efforts aimed at comprehensively revising and updating the regulatory structure and all the important regulatory documents of Intersputnik.

23. The following documents were also elaborated:

- Rules of Procedure of the Board of Intersputnik
- Rules of Procedure of the Operations Committee of Intersputnik

- Regulations of the Directorate of Intersputnik
- Staff Regulations of the Directorate
- Regulations of the Audit Commission
- Regulations of the Board of the Directorate
- Regulations of the Initiative Group
- Regulations on receivables

24. Considering that practically all provisions of the Intersputnik Charter of 16 December 1975 are reflected in the Agreement on the establishment of the “Intersputnik” international system and Organization of Space Communications, the Protocol on Amendments to the Agreement on the establishment of “Intersputnik”, the operating agreement and internal documents of the organization, it was resolved by the Board of Intersputnik at its XXXV session to terminate the validity of the Intersputnik Charter.

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