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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>Paragraphs</i>	<i>Page</i>
II. Replies received from international intergovernmental and non-governmental organizations .		2
International Institute of Space Law		2
International Organization of Space Communications		6

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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 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 was formally established as an independent association and its structure improved to enable it to better fulfil its role. The Institute currently has individual and institutional elected members from over 40 countries, who are distinguished for their contributions to space law development. In 2008, IISL was granted permanent observer status with the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee and Scientific and Technical Subcommittee, after having provided observers to the Legal Subcommittee on behalf of the International Astronautical Federation for many years.

B. General developments

1. Elections

2. Five directors or officers were re-elected for a further three-year term: E. Back Impallomeni, F. G. Von Der Dunk, Stephan Hobe, Vladimír Kopal (Vice-President) and José Monserrat Filho. Stephan Hobe was nominated to succeed F. G. Von Der Dunk as treasurer as of 1 January 2009. Two institutional and 20 individual members were elected to IISL in 2008.

2. Directorate of Studies

3. The Directorate of Studies has worked on improving the quality of the Colloquium by, for example, preparing a document outlining the tasks of the chairpersons and rapporteurs of the sessions, and by recommending changing the title of “Secretary” to “Executive Secretary”. The Directorate is currently calling for proposals for the sessions of the Colloquium to be held in Prague in 2010. In 2008, the session entitled “Other legal matters” was renamed “Recent developments in space law”.

3. Awards

4. During the 51st Colloquium, held in Glasgow, United Kingdom of Great Britain and Northern Ireland, in September 2008, a Lifetime Achievement Award was presented to Francis Lyall (United Kingdom).

5. The Board has established a committee to create clear and consistent criteria for all IISL awards and prizes.

6. The Dr. I.H.Ph. Diederiks-Verschoor Award for best paper by a young author was not awarded in 2008.

C. Activities in 2008

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

7. During the forty-seventh session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, IISL and the European Centre for Space Law (ECSL), at the request of the Subcommittee, organized a two-day symposium on the theme “Legal implications of space applications for global climate change”, which was held on 31 March and 1 April 2008.¹ It was co-coordinated by the secretary of IISL, Corinne Jorgenson, and Board member Kai-Uwe Schrogl, and chaired by IISL honorary director Peter Jankowitsch and Board member Sergio Marchisio, President, ECSL.

8. IISL was represented by several of its members in the delegation of official observers to the Legal Subcommittee at its forty-seventh session, which was held in Vienna from 31 March to 11 April 2008, and in the delegation of official observers to its parent Committee on the Peaceful Uses of Outer Space at its fifty-first session, which was held from 11 to 20 June 2008.

2. 51st Colloquium on the Law of Outer Space

9. The 51st IISL Colloquium on the Law of Outer Space was held in Glasgow, United Kingdom of Great Britain and Northern Ireland, from 29 September to 3 October 2008. Approximately 80 papers were accepted for five sessions, on the following topics: (a) private international law regarding space activities, (b) the fortieth anniversary of the Rescue Agreement:² looking ahead/weaponization of outer space in the light of article IV of the Outer Space Treaty³ (first session), (c) weaponization of outer space in the light of article IV of the Outer Space Treaty (second session), (d) legal aspects of natural near-Earth objects/other legal matters (first session), and (e) other legal matters (second session).

10. In addition, a scientific and legal round table was held, with the theme “Paper satellites: problems of policy, regulation and economics”. IISL also organized a plenary session with the theme “Real space, real law, real progress”.

3. Seventeenth Manfred Lachs Space Law Moot Court Competition

11. The seventeenth Manfred Lachs Space Law Moot Court Competition was held during the 51st IISL Colloquium. The case concerning the continued provision of lifeline satellite services to countries in the face of satellite operator insolvency (*Landia and Concordia v. Usurpia*) was written by Maury Mechanick, with John Gantt. 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).

¹ The programme of the symposium and a link to the presentations made may be found at the following website: www.unoosa.org/oosa/COPUOS/Legal/2008/symposium.html.

² Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (United Nations, *Treaty Series*, vol. 672, No. 9574).

³ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (United Nations, *Treaty Series*, vol. 610, No. 8843).

12. The finals were judged by two judges of the International Court of Justice, Judge Abdul Koroma and Judge Peter Tomka, and by Francis Lyall.

13. The winner of the final round was the University of New South Wales, Australia. The first runner-up was the University of Augsburg, Germany, and the second was Georgetown University of the United States of America.

14. The organizations that supported the world finals were the European Aeronautic Defence and Space Company Astrium, ECSL, ECSL/Scott Group, Glasgow Caledonian University, the University of Glasgow, the local organizing committee of the 2008 International Astronautical Federation Congress, the Japan Aerospace Exploration Agency, Martinus Nijhoff Publishers, the National Aeronautics and Space Administration/Association of United States Members of the International Institute of Space Law, SpaceIsle, the University of Aberdeen and the University of Strathclyde.

4. Eilene M. Galloway Symposium on Critical Issues in Space Law

15. The third 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, Arianespace and IISL and held at the Cosmos Club in Washington, D.C. on 11 December 2008. The topic for the symposium was “Article VI of the Outer Space Treaty: issues and implementation”. The event involved lawyers, scientists, space agency representatives and industry. Some of the papers from the symposium will be published in the IISL proceedings.

16. The fourth Eilene M. Galloway Symposium on Critical Issues in Space Law will again be held at the Cosmos Club, in December 2009.

D. Activities in 2009

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

17. IISL and ECSL will again organize a symposium, to be entitled “Thirtieth anniversary of the Moon Agreement:⁴ retrospective and prospects” for delegates of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. It will be held on 23 March 2009.

2. 52nd Colloquium on the Law of Outer Space

18. The 52nd IISL Colloquium on the Law of Outer Space will be held in Daejeon, Republic of Korea, from 12 to 16 October 2009. The Colloquium will have the following session topics:

(a) *Nandasiri Jasentuliyana keynote lecture on space law and the first session for young scholars.* In the first part, IISL will invite a prominent speaker to address its members and other congress participants on a topical issue. IISL is proud to announce that Judge V. S. Vereshchetin, formerly of the International Court of Justice, will deliver the inaugural Nandasiri Jasentuliyana lecture. The newly

⁴ Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (United Nations, Treaty Series, vol. 1363, No. 23002).

established annual event will be dedicated to the space lawyers of the future, with young scholars (under 35 years old) being invited to present a paper on either “Space law: future challenges and potential solutions” or another topic, to be agreed with IISL;

(b) *Peace in space*. The session will deal with legal measures concerning transparency and confidence-building among States involved in space activities;

(c) *Third-party liability issues in commercial space activities*. Papers are invited to address the issue not only from the point of view of space law, but also from that of other regimes, such as air law, nuclear law, and so forth;

(d) *Legal mechanisms for encouraging space commerce*. The session will consider national and international measures that enable and foster, as well as those that constrain, enterprise in space business and how current legal provisions might be improved;

(e) *Legal challenges to Earth observation programmes, with particular emphasis on developing countries*. The session will consider the development and potential improvement of national and international law on Earth observation. Papers relevant to the needs of developing countries will be particularly welcome;

(f) *Recent developments in space law*. Papers are invited to address developments in space law since March 2008.

19. A scientific and legal round table on assessing commercial human space flight will be held in Daejeon, Republic of Korea. IISL has submitted proposals for a plenary session.

3. Eighteenth Manfred Lachs Space Law Moot Court Competition

20. The semi-finals and finals of the eighteenth Manfred Lachs Space Law Moot Court Competition will be held during the 52nd Colloquium, to be held in Daejeon, Republic of Korea, in October 2009. Details of the case can be found on the website of the competition (www.spacemoot.org). 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 Asia and the Pacific.

E. Publications

21. The proceedings of the 50th Colloquium on the Law of Outer Space, held in Hyderabad, India, were published by the American Institute of Aeronautics and Astronautics.

22. The proceedings of the 51st Colloquium on the Law of Outer Space, held in Glasgow, United Kingdom, will be published by the American Institute of Aeronautics and Astronautics.

23. 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.

24. IISL prepared material for the United Nations annual review of developments in international cooperation and space law, entitled *Highlights in Space*,⁵ under contract with the United Nations.

25. IISL submits annual reports on IISL activities to the Committee on the Peaceful Uses of Outer Space.

26. IISL is finalizing, in collaboration with the Office for Outer Space Affairs of the Secretariat, an update of its bibliography of IISL proceedings since 1996.

F. Concluding remarks

27. 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. Recognizing that certain areas that may require legal regulation include technical issues, IISL is prepared to assist as appropriate in carrying out background studies needed for the consideration and information of the Committee.

International Organization of Space Communications

A. Background information

28. 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,⁶ as amended by the Protocol on the Amendments to the Agreement on the Establishment of the Intersputnik International System and Organization of Space Communications of 4 November 2002.

B. Members of the International Organization of Space Communications

29. As of December 2008, 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 People's Democratic Republic, Mongolia, Nicaragua, Poland, Romania, Russian Federation, Syrian Arab Republic, Tajikistan, Turkmenistan, Ukraine, Viet Nam and Yemen.

C. Signatories of the International Organization of Space Communications

30. As of January 2009, States signatories to the Protocol on the Amendments to the Agreement on the Establishment of the Intersputnik International System and Organization of Space Communications appointed, from among national

⁵ *Highlights in Space 2008* (United Nations publication, Sales No. E.09.I.4).

⁶ United Nations, *Treaty Series*, vol. 862, No. 12343.

telecommunications organizations or administrations, or both, 21 Intersputnik signatories.

31. In October 2008, the Ministry of Communications and Information Technology of Afghanistan appointed itself Intersputnik signatory of Afghanistan.

32. The Government of Kazakhstan, having approved the Protocol, is in the process of appointing a signatory to sign the operating agreement of Intersputnik.

D. Companies of the International Organization of Space Communications

33. The phased privatization of Intersputnik is carried out through the establishment of a group of companies that take care of the bulk of the core business of Intersputnik. Those companies serve the purpose of business diversification and principally consist of ventures in three Commonwealth of Independent States (CIS) countries, controlled by Intersputnik Holding, which is a wholly owned subsidiary of Intersputnik of over two years' standing.

34. Intersputnik Holding focuses on developing its business and consolidating its position in the telecommunications market in Central Asia, where it offers a broad range of satellite telecommunications services through its own subsidiary in Kyrgyzstan. In 2008, a further subsidiary was added in Tajikistan.

35. Apart from its purely economic activities, Intersputnik Holding helps the parent organization to expand its cooperation with countries where companies of Intersputnik Holding exist. Intersputnik offers authorities, private companies and individuals up-to-date telecommunications and broadcasting solutions.

E. Cooperation with international organizations

36. Intersputnik has always participated in international activities, which are aimed at deepening and developing constructive cooperation with other national, regional and international organizations in the field of space law and satellite communications.

37. The following are some of the organizations of which Intersputnik is a member or permanent observer: Committee on the Peaceful Uses of Outer Space, International Telecommunication Union (ITU) Radiocommunication Sector, United Nations Educational, Scientific and Cultural Organization, Asia-Pacific Satellite Communications Council, Global VSAT Forum, IISL, International Law Association, International Telecommunications Academy, National Satellite Communications Assembly (Russian Federation), Federation of Cosmonautics (Russian Federation), National Association of TV and Radio Broadcasters (Russian Federation).

38. In 2007, Intersputnik acceded to the Regional Commonwealth in the Field of Communications (RCC), which unites the telecommunications administrations of CIS, Baltic, Central and Eastern European countries. Representatives of Intersputnik joined in the work of a number of RCC commissions and working groups: the first was the working group for the revision of RCC constitutional instruments, which

was entrusted with the drawing up of documents to establish an international organization called the “Regional Commonwealth in the Field of Communications” on the basis of the RCC association, which is a legal entity under Russian Federation law. In September 2008, the working group, at its first meeting, developed a concept for the establishment of the RCC international organization and drafted an agreement on the “Regional Commonwealth in the Field of Communications”, which would serve as a basis for the formation of the international organization. The working group is to draft agreements on the headquarters of RCC, on RCC privileges and immunities, and on a charter.

39. Amendments to the regulatory and legal framework of RCC are expected to make it an international organization not only de facto, but also de jure in terms of modern international law, based on an international agreement registered under article 102 of the Charter of the United Nations. The status of international organization would expand RCC capabilities from the viewpoint of cooperation and links with other international organizations and interested States.

40. RCC is officially recognized by the international community, represented by ITU and the Universal Postal Union. When RCC becomes an international organization, the interaction among the telecommunications administrations of member States of RCC will be legally stronger and interactions will be at a higher international level.

41. In 2008, Intersputnik started working with the International Centre for Space Law under the V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine. In 2008, Intersputnik and the International Centre for Space Law signed a general agreement on long-term cooperation for the purpose of developing and legally supporting space projects and programmes.

42. In October 2008, Intersputnik took part in the 59th International Astronautical Congress and the 52nd IISL Colloquium on the Law of Outer Space and made a presentation entitled “Paper satellites”.

F. Assistance to telecommunications administrations and satellite operators worldwide

43. Owing to its intergovernmental status, Intersputnik can act as a hub for cooperation between the public and private sectors worldwide. For example, in 2008 Intersputnik legally finalized a major international satellite project involving itself, one of the largest manufacturers of satellite systems in the Russian Federation and the Israeli-based satellite operator SpaceCom. The three parties jointly launched a project to put into geostationary orbit and operate a telecommunications satellite. Under the project, Intersputnik correlated the interests of the parties at the interface of different systems of law. As a result, in mid-2008, Reshetnev Satellite Information Systems and SpaceCom signed a contract for the manufacture and launch of a telecommunications spacecraft by the end of 2010.

44. The implementation of the project has helped the rocket and space industry of the Russian Federation to break into the highly competitive global market of high-tech satellite systems and demonstrates the ability of Intersputnik to act as a link for implementing international telecommunications infrastructure projects.

45. One important aspect of the cooperation between Intersputnik and satellite operators is the scarcity of frequency resource for new telecommunications satellites in the geostationary orbit. When assessing current conditions and prospects for the further use of the geostationary orbit and the frequency allocation, it should be taken into account that a growing number of countries that have never been members of the “space club” now wish to have their own satellite telecommunications systems based on their own satellites. This trend is likely to result in the numbers of geostationary spacecraft increasing and therefore in growing pressure on the geostationary orbit.

46. States that have recently joined the “satellite club” tend to turn for assistance to “veteran” States with several coordinated orbital slots. In the mid-1990s, Intersputnik decided to procure its own space segment using its own frequency-orbit resource and filed several orbital positions with ITU. However, instead of deploying three or four satellites, only one spacecraft in a single orbital position was deployed. As a result, Intersputnik now has several satellite networks filed in several orbital positions, which can be used jointly with interested public and private satellite operators.

47. It is noteworthy that it is those ITU-notified “paper satellites” that often occupy the geostationary orbit. Telecommunications administrations and operators usually prepare their ITU filings in such a way that they are left as free as possible in configuring their spacecraft. Filing global service areas and full-scale frequency bands, they block the frequency resource and prevent new satellite systems from being brought into use, although the satellites in current operation usually use only part of a frequency band or cover only a limited area.

48. The only solution for telecommunications administrations and operators planning to launch satellites is to analyse compatibility by proceeding from the actual parameters of adjacent networks rather than from those existing on paper, which is a complex task. Some time ago, when Intersputnik discovered that the specialized tools available for that purpose were not entirely satisfactory, its technical service developed methods of determining the compatibility of satellite networks and proprietary software, subsequently using those methods and software both in its own interests and in those of its partner international satellite operators.
