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«Present state and objectives to develop of the Space Law in the Republic of Uzbekistan on the basis of International Principles of peaceful use of Outer Space»

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There are some legislative acts and international agreements in Uzbekistan [1-8] have been regulating of separate aspects of space activity and the projects in this sphere but they have not systematic program character. This circumstance evokes to serious difficulties in the development of space research, use of the world experience and wide implementation of the applied space technologies in Uzbekistan. At the same time we well understand that the applied space technologies have established immense potential for improving the quality of human life and society as a whole. Direct economic benefits from the space technologies to the vital sectors of the economics are obvious. They are using for the optimal management of natural resources, environment and agriculture, achieving global communications even to remote inaccessible areas, conducting tele-education and tele-medicine, navigation, search and rescue, mitigation of disasters and many others.

It is regrettable that many countries, particularly Uzbekistan, are not yet getting substantial benefits from the application of the space technologies. The main impediments to the further use of these technologies are as the lack of adequate infrastructure as the lack of space law in Uzbekistan. Therefore it is important to develop regular legislative basis of Uzbekistan to provide the economical development of the Republic in the sphere of modern space technologies, strengthening of national security, developing and widening of the international cooperation of the Republic of Uzbekistan in the space programs and increasing of national prestige.

It is important to note that in the past there was the widespread space infrastructure as a part of the Soviet Union Space System in Uzbekistan and successive space activity was realized in the following directions:

- Development of space constructions and apparatus for research of Moon and planets, security systems of space apparatus, research in the sphere of space material;
- Development of ground infrastructure, supply of space-vehicle launching site by the systems of ground and space communication;
- Development of space devices, information security systems, special software products;
- Production of the composite materials equipment for space and aviation industry.

At present space activity in Uzbekistan is basically concentrated in the sphere of applied space research and technologies – Remote sensing and global navigation systems for the different branches of economy, application of space telecommunication systems for environmental security,

monitoring of dangerous natural and anthropological phenomena and objects, telemedicine and distance education. One of the large-scale projects in the framework of Uzbekistan-Russia Agreement (27.07.1995 [8]) is a creation of the International Radioobservatory on the Suffa Plato for fundamental and applied research in the sphere of astrophysics, geophysics and physics of the atmosphere. After finishing construction and putting in to operation International Radioobservatory will has possessed of the international juridical personality. Such kinds of works have not been executed in Uzbekistan before. The activities, as was mentioned above, are not coordinated by the united Conception and not supported by the national legislation basis in detail.

International experience of the developed countries shows clearly that for successive implementation of the space technologies in different branches of economy and for carrying out of space research legislative basis come as necessary requirement. From the very beginning of space activity it is became evident that any of its type touches interests of one or more foreign states, and most of its types touches interests of the whole international society, which results in the international space relations. There was a requirement to set an order of space activity feasible from the international society's point of view. Subjects of international law become bearers of the rights and duties, in this case.

Space Law as an object of International Law, has following features:

- Only Space provides an opportunity for a Human to leave bound of Earth for the benefit of civilization progress.
- There are space bodies in the space whose areas are not belonging to anyone and in the future they might be used by the Human in whole.
- Space is almost limitless in comparison to the land territory, World Ocean and air territory, it might not be divided to zones and space presents a danger for activity of Human in it.
- Physical conditions in space and on the space bodies' are quite different from Earth's ones.

Peculiarities of space activity are as follows:

- Realization with a principally new methods – space-rockets technique;
- Application of space activity for military use is incomparable danger;
- All of the states are very much interested in the result of space activity, but it only could implemented by a few of scientifically and industrially developed countries.
- Start of space vehicles and their return to Earth could be bound with using territory of the other states and open sea areas.
- Space starts could cause damage for foreign states and their citizens

Law and foreign policy are inseparably linked. Directing basis in the carrying out of foreign policy, nowadays, should be principles of peaceful co-existence, which could unconditionally be applied for space activity.

Expansion of the principles of modern international legislation to the space activity is required because they include regulations about equality, peaceful co-existence, interstate cooperation, non-intervention to the in-state business. All the nations are interested in following them. These principles are fully applicable for the space activity, in spite of its specificity. Only on the basis of these principles it is possible to organize of the wide international cooperation and accelerated progress in research and use of space.

On the basis of international space legislation, as well as, in general international law, there is an idea of peaceful co-existence of states with different socio-economical and political systems. Principles and regulations of the international legislation and space law legislation as a part of it have Democratic character. This describes role of the international space legislation in the system of international Law. Noting that in some states there are national regulations in space sphere there should be difference in international and national law.

Space research and applied technologies have global character, and are conducted in close cooperation; there is a compulsory requirement for the national space legislation its accordance to the international law, which is based on the Conventions and Agreements of UN (UN Treaties) on peaceful space activity, setting international legislation regime, in which framework a space activity is being conducted and assists for maintenance of security and peace. This regulation - accordance of the national legislation to the international legislation - is Constitutional Principe for the Republic of Uzbekistan.

At present time Uzbekistan can not rely on many types of international scientific-technological assistance and competent participation in the programs of space activities, because it have not yet ratified corresponding UN Treaties concerning the Principles on outer space. Only two of them are signed – Agreement on International Satellite Telecommunication Organization and Agreement on International Telecommunication Unit. Therefore an important task for forming national legislation basis of space activities is signing and ratification of Conventions and Agreements of UN on peaceful use of space, in the first of all, "Treaty on Principles Covering the Activity of States in Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. Joining Procedure to the UN Treaties, as well as the international agreements, is defined by the legislation of the Republic of Uzbekistan in the documents [9-10].

Ratification of UN Conventions assures:

Joining to stable and predicable global regime in the sphere of space activity.

Inclusion of basic elements international space legislation into national legislation, directed to protect and secure population, its health, environment and natural resources.

International legislation basis for conduction of scientific and applied space actitivty in Uzbekistan.

Competent participation in numerous international programs and projects on peaceful use of outer space.

Receiving scientific-technological assistance, international grants and international support in the implementation of applied space technologies –Remote Sensing, Global Navigation Satellite Systems, Space Systems of Early Reveal and Notice about natural and Technical Disasters.

Provision of Uzbekistan with space information in the framework of Agreements, Conventions and Regulations.

Legislation basis for compensation of damage, which could be caused by the other states, carrying out starts of the space vehicles.

Main Task of the development of national legislation in the sphere of the space legislation, at present, is preparation of the national regulating documents in the field of space activity, as an important element of the building of democratic society in Uzbekistan. Development of the documents should be carried out on the basis of international experience with consideration of national interests, priorities and functioning legislation of the Republic of Uzbekistan of the following acts:

Conception of Space Activity of the Republic of Uzbekistan

National Law of Space Activity

Regulation of licensing of space activity

Scientific-methodological recommendations and Regulative Acts concerning on space applied technologies – space telecommunications, remote sensing, global navigation satellite systems and other types of space activity.

For the creation of national legislation in the field of space activity it is required to prepare, adjust and adopted the **Conception of Space Activity of the Republic of Uzbekistan** with the following content:

- Preamble
- International principles of space activity
- History of the development and current state of the space research in Uzbekistan
- Priority directions of the development of space research and technologies in the Republic of Uzbekistan
- System of objects and tasks for the development of the space research and technologies
- Problematic questions of space research and ways of their solution
- Proves of the necessity of the creation and development of the regulation-legislation basis of space activity in Uzbekistan
- Development of international cooperation in the field of space activity

The main national legislative act regulating space activity should be the Law "On Space Activity of the Republic of Uzbekistan". The Law should be directed on securing of legislation regulation of space activity for the development of economy, science and technology, strengthening defense and security of the Republic of Uzbekistan and further widening of international cooperation in use of outer space.

Relations in the fields of space activity should be regulated be the Constitution of Uzbekistan, generally accepted principles and regulations of the international legislation and international agreements of the Republic of Uzbekistan, Law "On Space Activity of the Republic of Uzbekistan", other laws and legislation acts of the Republic of Uzbekistan.

Preliminary content of the Law:

- Definitions, principles, objects and types of space activity
- Organization of space activity
- Licensing, certification, expertise on space activity
- Economical conditions of space activity
- Security and responsibility on space activity
- International cooperation on space activity

Other important national legislation acts should be considered as follows:

- Regulations on licensing of space activity

Space activity of the organizations or citizens of the Republic of Uzbekistan, or international organizations under the jurisdiction of Republic of Uzbekistan should be licensed. Types, forms, periods of validation of licenses conditions and procedures of their issuing, declination of issuing, interruption or stoppage of the licenses will be regulated by the legislation of the Republic of Uzbekistan. There should be an opportunity for appeal in the court or arbitrage of the activity of governmental organs on licensing of space activity

- Regulations on Remote Sensing and geoinformatics
- Regulations on usage of satellite navigation systems
- Regulations on usage of satellite telecommunication

These Regulations should be directed for the securing of legislation regulations of the specified types of applied space activity of the corresponding ministries and organizations of the Republic of Uzbekistan, as well as international organizations and citizens, and stimulate implementation of mentioned space technologies in different spheres of economy and science of Uzbekistan

List of the existing legislation acts of the Republic of Uzbekistan and international agreements regulating space activity:

1. Decree of the President of the Republic of Uzbekistan № PD-3135 “On improving of management of Space Research” dated 26.09.2002.
2. Resolution of the Cabinet of the Ministers, № 334 dated 27.09.2002.
3. “Law on Telecommunications”, dated 20.08.1999.
4. “Law on Geodesy and Cartography”, dated 25.04.1997.
5. “Agreement on Union Relations between Russian Federation and Republic of Uzbekistan”, dated 14.11.2005.
6. “Agreement on Strategic Partnership between Russian Federation and Republic of Uzbekistan”, dated 16.06.2004.
7. “Agreement on joint activity in space for peace uses”, dated 17.02.2000, under the “Agreements on Customs Union and Single Economical Zone (EuAzEC)”, dated 26.02.1999.
8. Intergovernmental Agreement “On the creation of the International Radio astronomical observation on Suffa Plato”, dated 27.07.1995.
9. Law of the Republic of Uzbekistan “On International Agreements of the Republic of Uzbekistan”, dated 22.12.1995. (Annex 1)
10. Resolution of the Cabinet of the Ministers “Order of the preparation of the projects of international agreements and fulfillment of the obligations of the international agreements by the Republic of Uzbekistan” N 473 (Annex 2), dated 12.12.2000.