

Statement

By

the Delegation of the Islamic Republic of Iran

at

The Sixty-Second Session of

the Legal Subcommittee of COPUOS

Agenda item 3: General exchange of views

20 – 31 March 2023

Vienna, Austria

“In the name of God, the Compassionate, the Merciful”

Madam Chair,

Distinguished Delegates,

The Delegation of the Islamic Republic of Iran, warmly welcomes you back to the chair of this august subcommittee. We are convinced that under your able leadership this session will also be a success. I would also like to thank the Acting Director of the Office for Outer Space Affairs and the UN Office for Outer Space Affairs (UNOOSA) Mr. Nicholas Headman for the excellent preparations of this meeting.

Madam Chair,

Critical civilian infrastructures for health care, transportation, communications, energy, global communication networks, banking systems, financial markets and trade are increasingly

dependent on space systems. Taking into account the rapid changes of space technology, space law at the national, regional as well as international levels, is highly needed to be developed, as appropriate and updated to cope with the technology growth challenges.

At present, of the 59 States that have registered space objects since 2015, 64 percent have provided names of non-governmental entities as owners and/or operators. As at 31 December 2021, of the approximately 4,980 satellites launched into Earth orbit, of which, 66.0 percent were associated with large and mega-constellations. Currently, more than 50 satellite constellations with an operational satellite population exceeding 100 have been announced. Almost all of those constellations are operated by non-governmental entities. All

aforementioned data, shows that constellations are not a new phenomenon, but development of rules and regulations are far more lagging behind the pace that constellations are developing.

Just imagine how a few private operators of constellations are posing great challenges to all States. Some operators has published reports that indicate their operation is perfect and binding to the Space climate rules, but the flip side has a strong counter argument. Space climate is in danger due to the irregular constellations, space debris might be considered by the operators but the theory has been always far from practice.

As constellations are so-called working on providing worldwide internet, the military and intelligence agencies sign “dual use” contracts with “civilian” satellite operators, it is essentially making most operating satellites military targets in critical

situations. Furthermore, as some countries create their “Space Forces” so they can “control and dominate” the heavens for coming decades.

Madam Chair,

In accordance with Article VI of the Outer Space Treaty, States parties are responsible for authorizing and continually supervising the outer space activities of their non-governmental entities, which currently include private corporations. Since early in the 20th century, national governments have asserted sovereignty over the electromagnetic spectrum. These assertions were initially embraced as a way to control the monopolistic ambitions and offensive business practices of the Marconi Wireless Telegraph Company. They are still the basis of radio regulation. The current procedure of mega-

constellations' development is a bitter bet on sovereignty right of States which is in clear contradiction with the UN Charter.

In this regard, as highlighted in our earlier statement in Sixty Session of the STSC, in February 2023, the Islamic Republic of Iran has formally objected to the unauthorized and illegal operation of the broadband satellite Internet services known as "Starlink" within its territory by a mega-constellation operator (SpaceX) with the U.S. government support to the COPUOS, ITU, UN Security Council as well as through appropriate channels to the U.S.

The issue of "territorial rights to provide services" is one of the most fundamental issues in the development and expansion of satellite services in different countries, especially satellite internet

systems. Based on the territorial rights to providing services, satellite operators need to obtain a license from countries to provide services to them. These licenses are generally given by the communication regulators of countries and according to the requirements and conditions of that country.

In Islamic Republic of Iran, the Commission for Regulation of Communications Regulations, as a subsidiary body of the Ministry of ICT is responsible for policymaking, formulation and approval of regulations in the field of communications and information technology. In 2019, this commission approved the "Regulations Governing the Territorial Rights of Providing Satellite Services in the Islamic Republic of Iran", according to which, the operator of a satellite network under the jurisdiction and control of a

foreign country that is a member of the ITU shall obtain license to provide any services within the territory of the Islamic Republic of Iran.

Therefore, the Starlink operation within the territory of Iran without obtaining a license is against international law, the UN Charter, in particular the inviolability of the “sovereign equality” of all UN members, as well as OST Articles III & VI of OST 1967, and the U.S. bears responsibility for such internationally wrongful act. Therefore, SpaceX shall obtain the official license to legalize its activities in Iran. This has been communicated to U.S. FCC and SpaceX Corporation, whose founder and CEO has acknowledged that “nearly 100 Starlink terminals are currently operating in Iran” without authorization. This serious concern would duly be

addressed in Status and Application of the Five UN treaties in Outer Space working Group.

Madam Chair,

To conclude, the ever increasing challenges to the sovereignty and territorial integrity of the States, the risk of catastrophic satellite collisions, concerns about cyber security and worries about environmental and health impacts, including impacts on astronomical observations and the beauties of the night sky, all are only some harmful implications of mega-constellation developments. Mega-constellations such as Starlink with more than 42000 satellites in Low Earth orbit will cause the capacity of LEO to be saturated for the benefit of exclusive state, thereby threatening the sustainability of space activities in

particular against equitable access of developing countries to LEO utilization.

Intentional neglect is enabling the satellite applicants /operators to establish legal expectations and effectively impose a fait accompli. Satellite operators through their affiliated States, must urge to adopt a reasonable and balanced approach. Hence, the Islamic Republic of Iran is of the view that drafting of applicable regulations on the subject of mega satellite constellations is a key essential that shall be pursued vigorously and put on the agenda of the LSC and COPUOS.

I thank you ~~.Madam Chair.~~

