Brief overview of Space Law in the States of the Post-soviet area

By Prof. Nataliya MALYSHEVA,

Presentation in UN/Islamic Republic of Iran workshop
"Role of International Space Law in the Development and Strengthening of International and Regional Cooperation in the Peaceful Exploration and Use of Outer Space"
(Tehran, 2009, November 8-11)

Map before dissolution of the USSR

New Independent States as Successors of Soviet Union Space Activities and Space Law

- USSR was a pioneer in many space researches and space industry.

- Space activities in the USSR were developed in the framework of the united All-Union economic complex. The majority of 15 republics had its segment in this complex. None of them carried out a complete cycle of space activity. The republics played the role of "screws of united mechanism" controlled from the common center.

- The space system represented one of few sectors being under the exclusive jurisdiction of the All-Union.
- State control under space activities was exercised by the All-Union ministries.
- The space property in the USSR was unique and indivisible.

Retrospective Analysis of the USSR Participation in the UN Treaties relative Space Activities

Title of the Treaty	Date of signature	Date of ratification
Treaty on Principles Governing the activities of States in the Exploration and use of Outer Space (Outer Space Treaty)1967	27.01. 1967	10.10. 1967
Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (Rescue Agreement) 1968	22.04. 1968	3.12. 1968
Convention on International Liability for Damage Caused by Spaces Objects (Liability Convention) 1972	29.03. 1972	9.10. 1973
Convention on Registration of Objects Launched into Outer Space (Registration Convention) 1975	17.06. 1975	13.01. 1978

New Independent States of Europe, Middle Asia, Caucasus established after dissolution of the USSR

- Azerbaijan
- Armenia
- Belarus
- Estonia
- Georgia
- Kazakhstan
- Kyrgyzstan
- Kyrgyzstan
- Lithuania
- Leetonia
- Moldova
- Russian Federation
- Tajikistan
- Turkmenistan
- Ukraine

PRINCIPLES OF DIVISION

SUCCESSION	CONTINUITY
USSR — 15 NEW INDEPENDENT STATES	USSR — RUSSIAN FEDERATION

CIS agreements and other documents on order of “continuity”: USSR - RF

Treaty on Succession related External State Debt and Assets of the former USSR	**4 December 1991 amended 13 March 1992**
Agreement about Property of the former USSR abroad	**30 December 1991**
Agreement on Division of all Property abroad of the former Soviet Union	**6 July 1992**
Statement of «twelve» about Future Status of Russia and other Former Soviet Republics	**23 December 1991**
Message of Russian President Boris Eltsine to UN General Secretary	**24 December 1991**

Membership in the UN Committee on the Peaceful Use of Outer Space

Russian Federation	From 1958
Republic of Kazakhstan	From 1994
Ukraine	From 1994

UN Outer Space Treaties

countries	*Outer Space Treaty*	*Rescue Agreement*	*Liability Convention*	*Registration Convention*	*Moon Agreement*
Azerbaijan					
Armenia					
Belarus	**R**	**R**	**R**	**R**	
Georgia		**R**			
Kazakhstan	**R**	**R**	**R**	**R**	**R**
Kyrgyzstan					
Moldova					
Russian Federation	**R**	**R**	**R**	**R**	
Tajikistan					
Turkmenistan					
Ukraine	**R**	**R**	**R**	**R**	
Uzbekistan					

National Space Programs in the countries of NIS

- RF: Federal Space Program on 2006-2015 - adopted by the Government of the Russian Federation (2005).
- Ukraine: 4-th State scientific and technical Space Program on 2008-2012 – adopted by Law of Ukraine (2008).
- Kazakhstan: Second State Program of Space Activities Development to 2020 – adopted by Government and Strategic Plan of the National Space Agency on 2009-2011 (2009)
- Belarus: National Program of exploration and use of Outer Space on the peaceful purposes on 2008-2012 - adopted by Council of Ministries (2008)
- Azerbaijan: State Program of creation and development of Space Industries in Azerbaijan Republic – adopted by President (2009).

Space administrations in the NIS countries

RF	Federal Space Agency (Roskosmos)	1992 (2004)
Ukraine	National Space Agency (NSAU)	1992
Kazakhstan	National Space Agency of the Republic of Kazakhstan (Kazkosmos)	2007
Belarus	National Council of Outer Space attached to the Council of Ministers, National Space Agency – under creation	1999 2010 (?)
Georgia	Space Agency attached to the Ministry of Transport and Communications	2003
Tajikistan	National Space Agency	1999

Space administrations in the NIS countries

Azerbaijan	National Aerospace Agency attached to the Ministry of Defence Industry	1992 2006
Uzbekistan	Uzbek State Agency on Space Exploration (Uzbekkosmos) attached to the Cabinet of Ministries, Center on Space Explorations of the Academy of Sciences	1992-2002 2002
Armenia	State Committee of cadastre and immobility attached to the Government of the Republic of Armenia	
Kyrgyzstan	Ministry of external commerce and industry of Kyrgyzstan	

National Space Legislation in the NIS

Special Space related laws:

- *Russian Federation*: Federal Law On space activities 20 August 1993 (with amendments 29.11.1996, 10.01.2003, 05.03.2004, 22.08.2004, 02.02.2006).
- *Ukraine*: Law On Space Activities 15 November 1996 (with amendments 16.03.2000, 19.01.2006)
- *Kazakhstan:* Draft of Law On Space Activities 28 December 2006

Other Space related laws

Federal laws of Russian Federation:

- **On Navigation Activities (February, 14, 2009)**
- **On Export Control (July, 18, 1999, in the redaction from November, 29, 2007);**
- **On Districts of Space Objects Falling (draft under consideration)**

Ukrainian laws:

- **On priorities of innovative activities (16.01.2003)**
- **On telecommunications (2003)**
- **On radio-frequency resource (2000)**
- **On geodesic and cartographic activities (1998)**
- **On metrology and metrological activities (1998)**
- **On State Secrets (1994)**
- **On state regulation of technologies transfer (2006)**

Licensing of Space Activities

Russian Federation	Federal Laws : •On Space Activities (1993), •On Licensing of certain types of Activities (2001); Decision of the RF Government On Order of Licensing of the Space Activities (2006) • Order of Roskosmos 25.05. 2007 г. № 51
Ukraine	Laws of Ukraine: On Space Activities (1996), On Business Activities (2000), On Licensing of Certain Types of Economic Activities (2009)
Kazakhstan	Law and regulations of Kazakhstan: On Licensing (2007) Procedure of Licensing of the Activities in the field of Use of Outer Space, approved by Government (2007)
Tajikistan	Law On Licensing of Certain Types of Aactivities (2004)

Subjects and Objects of Licensing in Russian Federation

Subjects of licensing	Types of activities be licensed
Only legal persons **(from 2006)**	-creation and production of space technique, space materials, space infrastructure; - installation of space equipment, space infrastructure; -preparation of space objects to launch; -preparation of cosmonauts to flights; - launch and flight management of space objects; - use of space technique, space materials, space infrastructure and space technologies; - international space cooperation of RF.

Subjects and Objects of Licensing in Ukraine

Subjects of licensing	Types of activities be licensed
Only legal persons*.** Activities related to elaboration, testing, production and use of the launch-vehicles, including their launches of whatever purposes, can be done only by ***state enterprises	elaboration, testing, production and use of the launch-vehicles, their parts, land management of space vehicles complexes and their parts

Subjects and Objects of Licensing in Kazakhstan

Subjects of licensing	Types of activities be licensed
Legal persons and individuals	All types of activities related to use of outer space, including creation, production, use, reparation and modernization of space-rocket technique, use of land infrastructure to their exploitation (ground, command-measuring complex, stand base etc).

Registration of Space Objects launched to Outer Space

The **National Registers** are created in:

- **Russian Federation** (successor after USSR);
- **Ukraine** (from 1995);
- **Belarus** (from 2003);
- **Kazakhstan** (from 2006)

CIS Agreements relating principles of space property division and common space activities of the new independent states

Agreement on mutual recognition of rights and regulation of ownership relations	9 October 1992 Bishkek
On the order of maintenance and use of space infrastructure objects for the sake of fulfillment of space programs,	15 May 1992
Agreement on common activities in the field of exploration and use of the Outer space	30 December 1991 Minsk

Space property division

- Space infrastructure located on the territory of the Parties on NIS agreement were recognized the property of these States.
- Right to use the immovable space objects and to possess the movables space objects are transferred on the basis of special agreements to the Strategic Force (Administration of the Head of Space Facilities) of the CIS or to the other interested parties.
- Intergovernmental Space Council for coordination of space infrastructure use was established.

Space agreements between countries of NIS

- *Agreement on collaboration in the use of outer space for the peaceful purposes* - by governments of the Republic Belarus, Republic Kazakhstan, Republic Kyrgyzstan, Russian Federation and Republic Tajikistan (17.02.2000)

Interstate, intergovernmental Space Programs in the NIS

- Interstate RF-Belarus Program "Elaboration and Use of Prospective Space Means and Technologies on the Profit of Economic, Scientific and Technical Development of two Parties" (2004)
- Intergovernmental RF-Uzbekistan State Program on Exploration of Earth and Outer Space on the Peaceful Purpose (2008);
- Bilateral RF-Tajikistan Program on Use by RF of the Optical and Electronic Station of Discovery and Recognition of Space Objects "Window" (2009 – for 25 years)
- Program of RF-Ukraine Collaboration in the field of Exploration and Use of Outer Space on 2007-2011 years (2007).

Bilateral Intergovernmental Agreements between NIS-countries

- 14 agreements, memorandums, commons statements are signed between RF and Ukraine. Among them:
- Agreement on Collaboration in the field of Exploration and Use of Outer Space in Peaceful purpose (27.08.96);
- Agreement on Collaboration in the field of Production and Exploitation of Space-rocket and Rocket Technique (08.02.95);
- Agreement on Moving of Commodities within the Framework of Collaboration in the Outer Space Exploration, Creation and Exploitation of Space-rocket and Rocket Technique (11.02.01);
- Agreement on Measures of Technologies Protection in in the field of Collaboration on Exploration and Use of Outer Space in Peaceful Purpose and in Creation and Exploitation of Space-rocket and Rocket technique (11.06.09).

Bilateral Intergovernmental Agreements between NIS-countries

- Ukraine-Belarus Framework Agreement on Collaboration in the field of Exploration and Use of Outer Space in Peaceful Purpose (June, 12, 2009)
- Ukraine-Azerbaijan Framework Agreement on Collaboration in the field of Exploration and Use of Outer Space in Peaceful Purpose (April, 9, 2009);
- Ukraine-Kazakhstan Agreement on Principles of Collaboration in Joint Space Activities (22.02.93)
- Ukraine-Kazakhstan Agreement on Principles of Collaboration of Government of Ukraine and Government of Republic Kazakhstan in realization of space activities (20.01.94)
- Ukraine-Kazakhstan Agreement on Collaboration in the Sphere of Exploration and Use of Outer Space (14.10.97)

RF-Kazakhstan agreements on Space Center Baykanur

- On the Order of Space Center «Baykanur» Use (1992)
- On Basic Principles and Conditions of Space Center «Baykanur» Use (1994).
- On a Legal Status of the City «Baykanur» (1995)
- On the Order of Cooperation in the Case of Failures at Starting of Rockets from the Space Center of Baykanur (18 of November, 1999)
- On Collaboration Development toward Effective Use of the Complex «Baykanur» (2004).

Problems and Prospective

- After disintegration of Soviet Union, on territory of the new independent states there were «fragments» of space industry of the former state, which is impossible or difficult to use by separate state
- Weak efficacy of agreements on space activities, concluded within the CIS.
- The growing commitment to bilateral relationships between states in this field. The special role of Russian Federation in this process.
- The low level of ratification of key UN treaties on Outer Space, the underestimation of the benefits for countries participating in these treaties.
- Absence or lack of national legislations about space activities. Direct dependence of national space law and space policy to space industry development in the different countries of the region.
- The growing role of space application. Dependence of the legal regulation of space activities in different countries to their choice of priorities in this field.