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#### **Information on the activities of international intergovernmental and non-governmental organizations relating to space law**

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### Note by the Secretariat

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\* A/AC.105/C.2/L.312.



## I. Introduction

1. The present document was prepared by the Secretariat on the basis of information received from international intergovernmental and non-governmental organizations.

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

### International Organization of Space Communications (Intersputnik)

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[19 December 2019]

Established on 15 November 1971 under the Agreement on the Establishment of the Intersputnik International System and Organization of Space Communications, the International Organization of Space Communications (Intersputnik) is an international intergovernmental satellite telecommunications organization headquartered in Moscow. Intersputnik's mission is to ensure cooperation and coordination of efforts in the design, establishment, operation and development of the international satellite telecommunications system. As of December 2019, Intersputnik unites 26 member States<sup>1</sup> and 25 signatories.<sup>2</sup>

#### A. Intersputnik development programme

As previously reported, in 2018, Intersputnik's governing bodies approved the Programme for the Development of Business in the Field of Space Communications in the Member Countries of the Organization. The purpose of the Programme is to expand and deepen cooperation between Intersputnik and its member States by granting financial support to companies incorporated in those States. The implementation of the Programme started in April 2019, when Intersputnik received the first bids from interested companies.

In mid-December 2019, Intersputnik's tender board determined the winning bidder, which was a satellite telecommunications company from Mongolia. Owing to the rapid development of satellite technology and increasing customer interest and demand, it was necessary for the bidder to upgrade the current technology in order to prepare the existing satellite network for future expansion. The winner's project is to

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<sup>1</sup> Afghanistan, Azerbaijan, Belarus, Bulgaria, Cuba, Czechia, Democratic People's Republic of Korea, Georgia, Germany, Hungary, India, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Mongolia, Nicaragua, Poland, Romania, Russian Federation, Somalia, Syrian Arab Republic, Tajikistan, Turkmenistan, Ukraine, Viet Nam and Yemen.

<sup>2</sup> Azercosmos Open Joint Stock Company (Azerbaijan); Ministry of Communications and Information Technology of Afghanistan; Republican Production Unitary Enterprise "Precise Electromechanics Factory" (Belarus); Ministry of Transport, Information Technology and Communications of Bulgaria; Bulgarian Telecommunications Company E.A.D.; National Media and Infocommunications Authority (Hungary); Viet Nam Posts and Telecommunications Group; FidusCrypt GmbH and Romantis GmbH (Germany); Department of Space of India; Department of Telecommunications of India; Ministry of Digital Development, Innovations and Aerospace Industry of Kazakhstan; State Committee on Information Technology and Communications of Kyrgyzstan; Ministry of Post and Telecommunications of the Democratic People's Republic of Korea; Cuba Telecommunications Company S.A. (ETECSA); Ministry of Post and Telecommunications of the Lao People's Democratic Republic; Communications and Information Technology Authority of Mongolia; Orange Polska S.A. (Poland); Federal State Unitary Enterprise "Russian Satellite Communications Company" (Russian Federation); National Radiocommunications Company S.A. (Romania); Syrian Telecommunication Establishment (Syrian Arab Republic); Dalkom Somalia; Communication Service under the Government of Tajikistan; Ukrkosmos State Company (Ukraine); and Ministry of Industry and Trade of Czechia.

receive the requested funding in the form of an interest-free four-year loan before the end of 2019.<sup>3</sup>

Invitations for another tender under the Programme for the Development of Business in the Field of Space Communications in the Member Countries of the Organization will be issued in 2020.

## **B. Agreement on cooperation with the European Telecommunications Satellite Organization**

In May 2019, during the regular joint session of the Intersputnik Board and Operations Committee, an agreement on cooperation between Intersputnik and the European Telecommunications Satellite Organization (EUTELSAT-IGO) was signed. The agreement provides for the coordination of activities between the two organizations, as well as for consultations and cooperation with regard to issues of mutual interest. The parties to the agreement also agreed to invite each other's representatives to participate as observers at events held under their auspices, including the sessions of the governing bodies.

The agreement with EUTELSAT-IGO logically continued the process of convergence of intergovernmental satellite telecommunications organizations that Intersputnik had started more than six years ago. Intersputnik had previously signed similar cooperation agreements with the International Mobile Satellite Organization and the International Telecommunications Satellite Organization.

## **C. Summary of activities in 2019**

Since 1985, when Intersputnik was granted permanent observer status, it has been constantly participating in the work of the Committee on the Peaceful Uses of Outer Space and its subcommittees. In 2019, Intersputnik participated in the fifty-eighth session of the Legal Subcommittee and the sixty-second session of the Committee. At the fifty-eighth session of the Subcommittee, Intersputnik informed the Subcommittee, among other things, that in July 2018 it had accepted the rights and obligations under the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, the Convention on International Liability for Damage Caused by Space Objects and the Convention on Registration of Objects Launched into Outer Space, as well as the obligation to comply with the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and the responsibility that entailed, in accordance with its article VI.

As a member of the International Astronautical Federation (IAF) since 2015, in October 2019 Intersputnik took part in the 70th International Astronautical Congress, co-sponsored by IAF, the International Institute of Space Law (IISL), the International Academy of Astronautics (IAA) and the Space Generation Advisory Council.

Within the framework of its cooperation with IISL, in December 2019 Intersputnik co-organized the Third Annual All-Russian Meeting of the Institute, held in Moscow. In the course of the meeting, experts in the field of space law, cosmonautics and other related sciences from various countries, as well as young Russian and international professionals, discussed a number of topical space law issues, including ensuring the safety and sustainability of space activities, limitations on the freedom of exploration and use of outer space, and the regulation of commercial space activities, in particular, the exploitation of space resources.

In 2019, Intersputnik's representatives also contributed to the work of several international conferences and projects dedicated to different aspects of space law. In

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<sup>3</sup> Detailed information on the Intersputnik development programme is published on the Intersputnik website (<http://intersputnik.com/development-program/>).

June 2019, an Intersputnik expert participated in the SES legal workshop on the theme “Space law in a networked world” and shared the organization’s view on international legal regulations concerning small satellites and large satellite constellations. In September 2019, within the framework of the 42nd Round Table on Current Issues of International Humanitarian Law, commemorating the seventieth anniversary of the Geneva Conventions and organized by the International Institute of Humanitarian Law, Intersputnik’s representative gave a presentation on the limits imposed by international space law on military operations in outer space. Furthermore, experts of the organization have been actively involved in the Manual on International Law Applicable to Military Uses of Outer Space (MILAMOS) project, the aim of which is to objectively articulate and clarify in a manual the existing rules of international law applicable to the military uses of outer space in peacetime and during periods of rising tensions.

A major part of the activities related to human capacity-building in space law is carried out by Intersputnik in its host country. In April 2019, Intersputnik participated in the annual Blischenko Congress on public international law convened by the Peoples’ Friendship University of Russia. With the organizational support from Intersputnik, the Congress held a special session on international space law where all participants were able to exchange views on the topical legal issues of the exploration and use of outer space. In addition, in June 2019, the Peoples’ Friendship University hosted the 2nd IAA-American Astronautical Society SciTech Forum, during which experts of the organization delivered a report on the protection of human heritage in outer space.

Intersputnik also cooperates with other Russian universities and scientific institutions. In October 2019, Intersputnik took part in the First All-Russian Conference on Space Education, sponsored by the Space Research Institute of the Russian Academy of Sciences. Within the framework of that cooperation, Intersputnik also supports Russian teams in the Manfred Lachs Space Law Moot Court Competition and accepts students for internships so that they can gain useful knowledge and practical experience in the field of international space law. In 2019, in addition to the internships undertaken by Russian students, internships with Intersputnik were for the first time undertaken by international students from Belarus and Ukraine.

#### **D. Engagement in the work of the International Telecommunication Union**

Owing to the nature of its core business, Intersputnik has always paid much attention to the efficiency of using the radio frequency spectrum and satellite orbits. As a member of the Radiocommunication Sector of the International Telecommunication Union (ITU), in 2019 Intersputnik took part in the World Radiocommunication Conference and meetings of other ITU working bodies.

At the regional level, similar aspects have been discussed within the framework of the Regional Commonwealth in the Field of Communications (RCC), in which Intersputnik enjoys observer status. In 2019, Intersputnik’s legal and technical experts contributed to the activities of the RCC working bodies on the radio frequency spectrum and satellite orbits.

For the purpose of enhancing human capacity-building in the field of satellite telecommunications, Intersputnik annually organizes workshops on the development of national satellite communications, under the name NatSatTel, for experts from the States members of the organization. In the course of the workshop held in May 2019, Intersputnik experts discussed pressing issues and new trends in satellite telecommunications and exchanged valuable practical experience with participants from various Intersputnik member States.

## E. Plans for 2020

Intersputnik intends to continue working in the field of space law in 2020, specifically, to contribute to the development and application of space law at the international and national levels.

Intersputnik avails itself of this opportunity to confirm its preparedness for in-depth cooperation with all States and international intergovernmental and non-governmental organizations, as well as regional and national organizations.

### For All Moonkind

[Original: English]

[2 January 2020]

For All Moonkind continues to advance consideration of how to protect designated areas in outer space, including the Moon and other celestial bodies, because of their historical, cultural, scientific or environmental significance. For All Moonkind has presented research and analysis at meetings of the Committee on the Peaceful Uses of Outer Space, at legal and technical conferences around the world and at numerous universities, museums and other academic forums.

Among its other landmark achievements, For All Moonkind contributed to the development and drafting of legislation in the United States of America that would make certain protective measures binding and enforceable on entities seeking a licence through a relevant United States regulatory agency. The legislation passed by unanimous vote in the United States Senate and, as of the date of this communication, it was awaiting a vote in the United States House of Representatives.

The objective of For All Moonkind is to promote the development of guidelines for the recognition, protection, preservation and memorialization of human heritage in outer space that is recognized for its outstanding universal value.

Our entirely volunteer Legal Council is made up of a diverse network of space law and preservation law scholars from around the world. Led by Michelle Hanlon (space law specialist) and Marlène Losier (preservation law specialist), legal research and analysis undertaken by the Council centres on how to:

- Recognize, protect, preserve and memorialize outstanding human heritage in outer space.
- Harness invaluable information obtained from protected heritage that is of interest to scientists that can inform know-how to better support human activity and life both on and beyond Earth.

This ambition is consistent with the achievements of international conventions and multilateral and bilateral treaties, as well as national laws, that have steadily, for over a century, recognized a greater diversity of cultural heritage on Earth as a particularly important element in the history of peoples, nations and their relations with each other.

It is also consistent with the goals of the Committee on the Peaceful Uses of Outer Space, whose Chair, after a year of informal consultations with space experts and delegates, determined in 2007 that the Committee should consider the protection/conservation of designated areas of the Moon and other bodies in the solar system. The pertinent part of the working paper submitted by the Chair on the future role and activities of the Committee (A/AC.105/L.268), paragraph 33, reads as follows:

In view of the development of space exploration and in particular the renewed interest in the Moon as a first stage of exploration, there is a need for a fresh approach to the idea of protecting designated areas of such bodies of the solar system, either because of their historical, cultural and environmental

significance (such as the Apollo, Surveyors and Lunakhod landing sites on the Moon) or because there are good reasons for wanting to protect certain areas of scientific interest. This concept could also be applied to certain parts of outer space itself such as the Lagrange points (sometimes called libration points) in the Earth-Moon or the Sun-Earth system.

In the working paper, it was suggested that the Committee on Space Research and the International Academy of Astronauts be invited to consider the issue of protection/conservation of designated areas in outer space and report back to the Committee on the Peaceful Uses of Outer Space by 2010 with appropriate recommendations.

It is the understanding of For All Moonkind that this suggestion was never implemented.

For All Moonkind is grateful to be in a position – because our team is entirely volunteer – to work independently to achieve these goals that the Committee on the Peaceful Uses of Outer Space identified 12 years ago. We hope that the Committee will consider our recommendations once they are formalized and complete.

### **Summary of the activities relating to space law**

#### *National legislation: the One Small Step to Protect Human Heritage in Space Act (United States)*

For All Moonkind made significant contributions to the development and drafting of United States Senate bill S.1694, the One Small Step to Protect Human Heritage in Space Act, which was passed by unanimous vote in the United States Senate in July 2019.

The One Small Step Act requires any United States federal agency that issues a licence for the conduct of a lunar activity to require that each licence applicant agree to abide by recommendations, guidelines or principles issued by the National Aeronautics and Space Administration of the United States relating to the protection and preservation of certain lunar sites.

The legislation recognizes that its provisions are national in scope, applicable only to United States-based lunar activities, and therefore have limited efficacy for protecting historic sites against disturbances caused by spacefaring entities based outside the United States.

Thus, the Act indicates that it is the sense of the United States Congress that the United States President should work with other countries to develop best practices to ensure the protection of historic sites.

The parallel bill, HR 3766, is currently awaiting a vote by the United States House of Representatives. Should it pass, it will then need to be signed by the United States President before it becomes law.

#### *Committee on the Peaceful Uses of Outer Space side event on protecting human heritage in space*

On 17 June 2019, For All Moonkind hosted a panel discussion at the Vienna International Centre entitled “Humans first”. The discussion was led by four panellists, who spoke on the following topics:

- Protecting lunar legacy sites during the implementation of Google Lunar XPRIZE projects
- Putting humans first
- Envisioning the legal framework
- Bringing truth to the universality of space

In the discussion that followed, For All Moonkind took specific note of comments regarding the concept of cultural heritage in space and has incorporated many suggestions into the framework that will be presented as part of For All Moonkind's recommendations once they are complete.

*Other conferences, symposiums and presentations*

For All Moonkind participated in numerous legal and technical conferences, symposiums and academic presentation opportunities, including at museums and meetings of astronomical societies and related organizations, around the world. The focus of the presentations varied depending on the audience, but in general, they directly addressed the lacuna in international law, including both space law and preservation law, which leaves human heritage in outer space unrecognized and unprotected.

The emphasis of our research in 2019 centred on:

(a) Identifying terrestrial models for the recognition of human heritage in outer space:

(i) Research was presented to the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space in April 2019 that assessed the applicability of the provisions of the Antarctic Treaty System, the international cultural heritage conventions, the United Nations Convention on the Law of the Sea and the Convention on the Protection of the Underwater Cultural Heritage;

(ii) The conclusion was reached that the existing treaties and conventions cannot easily be applied to outer space, and thus a new instrument must be developed to protect heritage, and other sites, in space;

(b) Defining the concept of "heritage," including "intangible heritage" in outer space:

(i) Research was presented to the Legal Subcommittee in April 2019 regarding the concept of outstanding universal value, and evidencing an evolving appreciation for forms of human achievement and expression consistent with the advancement of civilization and technology. The following could be considered heritage:

- a. Designated sites and structures;
- b. Tangible, movable objects;
- c. Immovable constructed, natural and mixed sites;
- d. Intangible heritage;

(ii) For All Moonkind has developed a working definition of outstanding human heritage in outer space and continues to aggregate comments and criticisms regarding the same from space and preservation lawyers, historians, scientists, archaeologists and anthropologists;

(c) Understanding the nexus between heritage recognition and the sustainable exploration and use of space:

(i) Research on the understanding of community formation, cohesion and sustainability was presented to the Committee in June 2019;

(d) Understanding the concept of "due regard" as an avenue to recognition and protection of relevant sites in outer space:

(i) A law review article on this topic will be published in January 2020;

(e) Considering possible methods of protection, preservation and memorialization, and the legal implications of each. The methods considered included the following:

(i) Prohibition of damage and/or destruction;

- (ii) Inventorying of significant objects and sites;
- (iii) In-situ protection;
- (iv) Requirements to report, consult and cooperate in protection efforts;
- (v) Documenting and recording of intangible heritage.

*Space law outreach*

For All Moonkind is committed to generating interest in and awareness of all aspects of space exploration and use but is specifically focused on encouraging law students and young lawyers to study space law. In this capacity, For All Moonkind has been collaborating with student associations from, among others, Stanford University, Harvard University, the University of Mississippi, Florida State University, the University of Southern California and Malmö University.

In addition, For All Moonkind works with graduate students from universities throughout North America and Europe, who assist with important space law research efforts.

**Conclusion**

Looking forward, For All Moonkind is planning to hold a high-level legal summit to protect heritage in space in 2020. At the conclusion of the summit, For All Moonkind will prepare recommendations in the form of a manual on the legal aspects of the protection of heritage in space.

It is anticipated that the summit will include invited presentations on technical aspects of protecting human heritage in space, to inform the legal discussion.

For All Moonkind is more than happy to supply further details on any aspects of its research and activities, including links to relevant presentations and articles.

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