

LEGAL REGULATIONS OF SPACE ACTIVITIES IN RUSSIA
AND COMMONWEALTH OF INDEPENDENT STATES

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Since the very beginning of space era the global character of space activities and universal interest in their results have stipulated a rapid development of the legal regulation of the exploration and use of outer space on an international level. It brought about the upsurge of international space law as one of the branches of international law.

At the same time the necessity to solve different problems on a national level (connected for example, with the implementation of international obligations and the regulation of the commercial uses of space technology) has called forth specially designed domestic space legislation. In most countries the latter is much less developed than international regulation although recently domestic space law has steadily increased. Several countries, most notably the United States of America, have long ago started to adopt national laws and regulations governing space activities.

This trend has even led some American authors to contend that after 1980

the development of space law "can be categorised by the atrophy or obsolescence of most space treaties and the shift toward a domestic law of outer space"¹. No matter how contentious or incorrect this assumption may be it reflects the undeniable fact of increasingly important role of national space legislation².

As to the former Soviet Union, despite its impressive space program, that country had no specific space legislation in the proper sense of the term. The space activities in the USSR were regulated by numerous secret decisions adopted by the Central Committee of the Communist Party, by the Government and various ministries and agencies. These regulations were inaccessible to the public in the country and abroad.

At the same time one should take into account that certain relations pertaining to space activities were regulated in the former Soviet Union, like in other countries, by general national legislation. For instance, when it came to labour relations relevant rules of the USSR federal legislation and the

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labour codes existed in all constituent republics of the Soviet Union were applied. Tort liability problems, contract matters, property rights fell within the domain of corresponding Soviet all-Union (federal) and republican laws and civil codes. General legal position of a space industrial plant was determined by the USSR Law "On enterprises in the USSR" and corresponding republican laws³.

For years Soviet lawyers advocated the passage by the Parliament of a unified space act but there was no positive reaction on the part of those who governed the country and had legislative authority.

What is the situation now-after the break-up of the USSR, the appearance of a number of new sovereign states and the creation of the Commonwealth of Independent States? This situation should be considered in two aspects - firstly, the legal regulation of cooperation of former Soviet republics among themselves in the exploration and use of outer space and, secondly, the legal and organizational bases of space activities in Russia.

Taking into account economic, scientific, technical and historical background it is quite natural for the Commonwealth member states to join their efforts in space activities. The first treaty to this effect - Agreement on Joint Activities in the Exploration and

Use of Outer Space - was concluded among nine countries-members of CIS on December 30, 1991 in Minsk (the Ukraine and Moldova didn't sign it but later - in July 1992 - the Ukraine joined the Minsk Agreement)⁴.

The Minsk Agreement is a rather general and somewhat vague document. Its many provisions require further elaboration and clarification. The Agreement emphasized the significance of space science and technology for the development of the Commonwealth member states, the need for joint efforts for effective space research and exploration in the interests of the national economy, science and defense.

The Agreement is aimed at the regulation of joint space activities of States Parties. Such activities should be effected on the basis of interstate programs of space research and exploitation. The implementation of these programs should be coordinated by a special organ - Interstate Space Council (art.2). The fulfilment of interstate military space programs should be ensured by the Joint Strategic Armed Forces (art.3).

According to the Minsk Agreement interstate programs are financed by proportionate contributions by the states participating in this Agreement. As to the expenditures on the exploitation of existing and the setting up of new space systems for economic, scientific and military purposes and the maintenance of

the testing base, they will be distributed in accordance with the proportionate participation of the States Parties to this Agreement.

According to art.6 the States Parties to the Minsk Agreement undertake to develop their activities in the exploration and use of outer space in compliance with existing international legal norms. They will also coordinate their efforts aimed at resolving international legal problems of space activities.

On May 15,1992 a new multilateral agreement was signed in Tashkent by all CIS member states except Moldova. It develops some provisions of the Minsk Agreement and is aimed at the regulation of the utilization of ground-based facilities of space infrastructure for the purposes of the fulfilment of space programs. Art. 1 of the Tashkent Agreement stipulates that ground-based facilities of space infrastructure (for example, the Baikonur and Plesetsk cosmodromes, technical, launching and landing complexes, space flight control centers, the astronauts training center etc.) situated on the territories of Azerbaijan, Belarus, Kazakhstan, Russia, Turkmenistan, Uzbekistan and the Ukraine are declared to be the property of the corresponding states. The right to use these facilities is transferred to the Strategic Forces of CIS or other interested parties on the basis of special agreement.

On May 25,1992 two member states of CIS - Russia and Kazakhstan - signed a bilateral agreement on the utilization of the Baikonur cosmodrome (which is situated in Kazakhstan). This Agreement confirms that the facilities of the Baikonur cosmodrome are the property of Kazakhstan and sets forth rights and obligations of Kazakhstan and Russian Federation in the utilization of these facilities. This agreement also regulates some financial, ecological and social problems arising from the utilization of the Baikonur cosmodrome.

In future one could expect the conclusion of new multilateral and bilateral agreements among member states of CIS which in fact create a kind of regional international space law in the territory of the former Soviet Union.

As to domestic regulation of space activities in Russia on February 27,1992 there was published a Decree of the President of Russia on the creation of Russian Space Agency⁵. Later in April the Russian Government adopted the statute of this organ⁶. According to these documents the Russian Space Agency(RSA) is a state administrative body which develops and implements State policy on the exploration and use of outer space.

The tasks of RSA include the following:
- to formulate in conjunction with the Russian Academy of Sciences, the Unified Armed Forces of CIS and other ministries

and agencies concerned, and submit to the Government of Russia the draft space program of the Russian Federation;

- to carry out general procurement for the development of space systems, complexes and scientific and industrial facilities envisaged under the State space program;

- to participate in the development and use of dual-purpose (civilian and military) space systems and complexes developed under defense contracts in accordance with the State space program, and also in the preparation and launching of space systems for scientific and economic purposes;

- to develop in conjunction with industrial organizations and enterprises a scientific research and testing base for space activities;

- to cooperate with the relevant bodies of member states of CIS and other countries in the exploration and use of outer space;

- to coordinate work on commercial space projects and promote their implementation;

- to coordinate work on the preparation and conduct of manned space flights and on securing safety of cosmonauts.

In August 1992 several ministries and agencies of the Russian Federation (Space Agency, Ministry of Defence, Ministry of Foreign Affairs, Academy of Sciences) have submitted to the Supreme Soviet (the Parliament of the Russian

Federation) Draft Law on Fundamentals of Space Activities. This law, if passed by the Parliament, would determine the goals and guiding principles for conducting space activities, the competence of the President, Parliament, Government, Russian Space Agency and other organs of the Russian Federation engaged in the exploration and use of outer space, the process of the formation of State space program of this country, the principles of financing and licensing space activities. It also would regulate such issues as legal status of space objects and astronauts, the allocation of liability and responsibility for the exploration and use of outer space etc. This Law will form the basis for further and more specific space legislation of the Russian Federation.

Footnotes

1. Nathan C. Goldman, American Space Law, International and Domestic. Iowa, 1988, p. vii
2. See on this matter: Stephen Gorove, Developments in Space Law. Issues and Policies. Martinus Nijhoff Publishers, 1991, in particular pp. 3-15; Glenn H. Reynolds and Robert P. Merges, Outer Space, Problems of Law and Policy. Westview Press, 1989; E. Galloway and J. Galloway, United States National Space Legislation on the Exploration and Use of Outer Space for Peaceful Purposes. Proceed. of the 30-th Coll. on the Law of Outer Space, 1988, p. 32-41; M. Bourelly, National Space

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3.For more details see:G.Silvestrov,
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4.The English translation of the Minsk
Agreement see in:Aerospace Daily,Ja-
nuary 7,1992,p.31,32.

5.Rossiyskaya Gaseta,February 27,1992
(in Russian).

6.The English translation of the Statute
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Doc. A/AC.105/L.195,18 June 1992.