Lack Of National Law In Iran, The Main Obstacle For Private Sector In Space Activities

Ali Akbar Golrounia
Faculty Member, Aerospace Research Institute, Iran
ali@ari.ac.ir

Mohsen Bahrami
Director, Aerospace Research Institute, Iran
Professor, Amir Kabir University of Technology, Iran
Mbahrami@ari.ac.ir

Abstract

Space base activities can be considered as a major part of communication infrastructure in any big economy. Furthermore space activities in Iran have been exclusively developed by the public sector in the past few decades. The economy is developing and is becoming more sophisticated. It seems that if Iran can follow its development trend, it would need to develop its space base activities with higher speed. It seems that the government can not afford to keep this sector in public domain any more. Therefore the government must promote the private sector to play a major role in the development of space base activities. Having a National Policy and a National Legislation in each state are essential for development of space base activities for benefit of the society and encouragement of private sector to play a major role in the development of space activities. Same as many other developing countries Iran has no official approved National Policy or National Legislation in respect to the space activities. This study tries to find out what are the main obstacles for development of space base activities in Iran especially by the private sector and shed some light on the area which should be considered by the Iranian government, especially in establishment of its National Policy and National Legislation for space based activities.

Introduction

Space base activities can be considered as a major part of any big economy. The commercial use of outer space has grown sharply in recent years. Many countries especially space fairing nations have the policy of expansion of private sector investment and involvement in civil space related activities. This policy goes beyond the traditional field of space telecommunications and includes commercial space launches as well as remote Sensing and the new field such as space tourism.

Commercialization of space activities is the logical consequences of the progress of space activities. It is well known that such activities contribute to the social welfare of all mankind if the benefits derived there from are used to raise the standard of living.

When the commercial space activities are based on competitiveness, the result will be at reasonable price, and this is one of the reasons which private sector should be involved in space activities.
The size of resources which must be allocated in space base activities especially for developing countries are beyond the government budget limitation and therefore private sector investment is highly important.

Space Activities in Iran

By launching Sinah-1, Iran's first satellite on October-27 2005, Iran became the forty-third country in the world to own a satellite, although Sinah-1 was build by the help of foreign countries and launched by Russian Kosmos-3M space launch vehicle but it had significant role in development of space activities in Iran.

Iran became a founding member of the United Nation's Committee On the Peaceful Uses of Outer Space (UNCOPUOS). The remote sensing techniques and utilization of date acquired by earth resources satellites in the country go back to the launching date of the first of Landsat series satellites. For the time being, the earth resources monitoring and management agencies not only use available data taken by various earth resource satellites, but also are equipped with the most advanced facilities available for data analysis and integration through the use of Geographic Information Systems.

Space remote sensing technologies and their applications are transferred to user communities in governmental and private sectors, by universities and specialized institutes (such as Iranian Remote Sensing Center, National Cartographic Center, Soil Conservation and Watershed Management Research Center, etc). In addition, the space based positioning systems are extensively used by government and private sectors in a wide spectrum of disciplines varying from national mapping projects to local studies as well.
The National Committee on Natural Disaster Reduction within the framework of a joint research projects is also using the space based positioning systems to monitor crust movements along major active quaternary faults.

Satellite meteorological activities are carried out by the Iran's Meteorological Organization (IMO). The systems used for this purpose include Meteosat (PDUS &SDUS) and NOAA (HRPT & APT) receiving stations located at IMO in Tehran. Data taken by these satellites are used by IMO's forecasting center not only for weather purposes but also for atmospheric disaster mitigation objectives.

The Islamic Republic of Iran provides telecommunications services via satellite mainly through INTELSAT and INMARSAT satellite Networks using more than 3500 channels, and via three international gateway earth stations.

Legal framework

Before 2003 space activities in Iran was carried by various independent organization mainly governmental entities. In April 2003, the Iranian Parliament approved a bill to create Iranian Space Agency (ISA) to serve as a policy-formulating organization for space initiatives. The ISA performs research on technology, remote sensing projects, develops national space equipment, and participates in the development of national and international space endeavors. It also coordinates various space-related activities within the country's research institutes, administrative agencies, and universities, these efforts also help the ISA to execute decisions from the Supreme Aerospace Council (SAC). Iranian Parliament created this Council in December 2003 to approve various space-related programs and to promote partnerships among other organizations.
The Council functions with input from senior government official. The ISA' s director serves as the council's secretary, and the President of Islamic Republic functions as chairman. Appointment of the President as the chairman of the Supreme Aerospace Council is the sign of the important of space activities in Iran. Also six Ministers from telecommunications and Information Technology, Science, Research and Technology, Defense, Foreign Affairs, Transportation, Industries and Mining are members of this body.

Among the goals of SAC is to support the private sector and cooperation's activities in outer space. Although this goal has not yet formulated, but an international cooperation is providing Mobil telephone services on the limited scale for some parts of the country.

Main Obstacles

Lack of National Law:

Rules and regulations which private sectors can operate on that bases are not clear and in some parts even do not exist. The area which private sectors can active have not clarified,

Most of the activities are based on negotiation and agreements with officials of related organizations which might be changed in period of time.

According to constitution of ISA this agency is responsible for issuance of all the licenses for space activities in Iran, including, lunching, satellite, operation, ground stations, transmissions of data, etc. however rules and procedures for obtaining such a license is not approved and in some cases even not available.

Lack of Experience

Space activities in Iran are rather new phenomena, especially for private sector which has no experience. Shortages of knowledge in marketing, operation, technology and funds are among the main barrier for private sector in Iran if this sector wants to enter in space activities. Although the Hard Currency Reserve Funds has been established by the government specially to support the private sector for investment and supporting of the economy, but it seems that is essential for private sector to cooperate with international entities to overcome its shortages and gain necessary skills to have successful operation.

International Law and Private Sector Activities in Space

There are two main principles with regard to the private sector activities in outer space, namely the "principle of freedom of Outer space" and the "principle of the common interest".

Article 1 of the Outer Space Treaty stipulates that "Outer Space including the moon and other celestial bodies shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development".
The same article also stipulates that "there shall be free access to all areas of celestial bodies". The principle of freedom of outer space includes the right of free access, the right of free exploration, and the right of free use. This freedom is granted only to the states.

According to Article 6 of the Outer Space Treaty. "Each State is internationally responsible for its governmental or non-governmental activities and for securing compliance of these activities with the provisions of the Outer Space Treaty ".

The space activities of the non- governmental entities necessitate the authorization and supervision of the appropriate state.
With regard to the principle of "the Common Interest ". Non -governmental entities can carry out space activities although they are not the direct beneficiary of the principle of freedom of outer space. Only it remains the question whether the non-governmental entities can carry out the commercial space activities.

The common interest principle fixes a general goal from which the States must not deviate in their space activities. It does not deal with the concrete sharing of benefits of space exploration and use. Therefore common interest principle is a binding legal rule and that the commercial space activities are in conformity with this principle as long as such activities contribute in a general sense to social welfare through the raising of the standard of living, although its substance is the profit- making transfer of goods and services.

Conclusion

It seems if the private sectors would like to overcome to its problems for activities in outer space, two steps have to be taken; the first step which has to be taken by the Government of Iran is to establish set of rules and regulations with clear policy of space activities by private sector in Iran. The Supreme Aerospace Council (SAC) shall instruct the Iranian Space Agency (ISA) for providing the necessary material for SAC approval. These policies and regulation should clearly address the area which private sectors could be active in outer space. Ways and means which the Iranian Government is going to support the private sector activities in outer space, and the procedures for cooperation's between Iranian private sectors and international companies for doing business in Iran especially in area such as tele- communications, remote sensing, etc.

The second step which mainly has to be taken by the private sectors themselves is to cooperate with international companies to perform joint projects in Iran with regard to outer space activities, this cooperation and partnership will help the Iranian Companies to gain skills and knowledge to overcome the problems such as transfer of technology, operation, marketing and capital investment.