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CAPACITY-BUILDING OF THE NATIONAL SPACE LEGISLATION IN THE POST-SOVIET
COUNTRIES: THE RECENT CONTRIBUTION OF KAZAKHSTAN

Abstract

The space posture of Kazakhstan is mainly associated with Baikonur cosmodrome, the substantial origin of the space era: common launch pad of the first satellite and the first person sent to space. Upon these outstanding events Sergei Korolev, a prominent personality in the Soviet space history, noted: “The way to space is opened” . . . for which the departing point is Baikonur.

The space history of the independent Kazakhstan starts, as both for the Russian Federation and Ukraine, with proclamation of dissolution of the Soviet Union and respectively the formation of new independent states. Pursuant to the agreements reached upon the disintegration of USSR, these three ex-soviet republics have been recognized to be the major legal successors of the soviet space heritage. In former times the USSR space assets constituted the holistic complex of interlinked infrastructure units being principally placed in the territories of aforementioned states. Therefore, upon the collapse of superpower it was needed not only to legally enshrine the respective breakdown of the space complex between successors but also to consider the way to develop the national independent space industries. As could be revealed from analyses of the “new” space acquisitions of respective states, the distribution did not consider the established industrial connections but followed the principle of territorial affiliation. Hence, the normal operation of industry has been complicated due to the broken inter-entity linkages urging the prompt determination of how to proceed with further activities. In addition, the launch facilities were concentrated in Baikonur, Kazakhstan, the country where no real space manufacturing was conducted.

Despite the national differences in securing the continuity of the soviet space tradition, the Russian Federation and Ukraine highlighted common traits:

- All national space activities are centered around specially shaped executive authority;
- Planning is based on space programmes;
- Solid legal grounds for space activities: framework space law, associated laws and derived by-laws.

Kazakhstan followed its own “space” way, with crucial milestones of establishing the national space agency in 2007 and adopting the fundamental space activities act end of 2011.

Being the last basic space law adopted by space-faring countries of the post-soviet area and the first one for Kazakhstan, it requires to be more specifically approached in the paper. However, the legal appraisal of its text per se would be incomplete without an overview of the Kazakh space perspective, pertinent legislative scope alongside with philosophic rationales of what is kept behind.