Chapter 9

Registration of Small Satellites and the Case of the Netherlands

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I Introduction

The use of small satellites is increasing, their field of application is growing, and the group of actors involved with their construction, launch, and use is diversifying. Despite some tendencies to argue that special rules need to be developed for these satellites, the view now seems to be emerging that ‘small’ satellites should not be treated differently than ‘big’ ones in terms of regulation. After all, the UN outer space treaties do not distinguish between small or large satellites, they rather speak of ‘space objects’ (without precisely defining them).1 Neither does it matter for the treaties in which orbits small satellites operate nor whether they are ‘manoeuvrable’ or not. Yet, small satellites present certain characteristics that may require a closer look before applying all the legal requirements that are usually imposed on (larger) space objects.2 Questions about the legal ramifications of small satellites are on the agenda of different forums such as the ITU3 and the United Nations, and are discussed at many conferences.

Two events held in March 2014 are at the core of this book; one is a symposium organised by the International Institute of Space Law (IISL) with the European Centre for Space Law (ECSL) for the delegates of the Legal

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1 On the issue of the (lack of) definition of ‘space objects’ in the UN outer space treaties see the chapter by Frans von der Dunk in this book.
Subcommittee of UNCOPUOS, and the other a conference organised by the University of Vienna. The present chapter, addressing registration of small satellites, is based on a presentation given at the latter.

First, an overview of the legal instruments that are relevant in the context of registration of small satellites is given. Then, the implementation of the obligation to register is addressed, both by the United Nations and at national level. Next, the practice of launching states of small satellites will be addressed, with a specific focus on the Netherlands, as well as the practice of launch service providers in this context. The need for capacity building about the legal aspects of small satellites is emphasised, to ensure greater awareness among non-traditional actors.

II Relevant Legal Instruments

Several legal instruments have an impact on the matter of registration of satellites, including small satellites. They are the early UN resolutions, several UN space treaties, as well as a few later UN resolutions. In addition, some practical instruments are relevant, such as the UN online index and the registration form made available by the UN Office for Outer Space Affairs (UNOOSA). National space legislation will also be addressed in this section, mainly focusing on the Netherlands.

1 Resolution 1721B (XVI) and Resolution 1962

UN General Assembly resolution 1721B (XVI) on International Co-operation in the Peaceful Uses of Outer Space was adopted on 21 December 1961 and is the first document referring to registration of objects launched into outer space. The UN General Assembly ‘calls upon States launching objects into orbit or beyond to furnish information promptly to the Committee on the Peaceful Uses of Outer Space, through the Secretary-General, for the registration of launchings’, and ‘requests the Secretary-General to maintain a public registry of the information furnished in accordance with paragraph 1 above’. In fact this resolution is still used today as the legal basis to inform the United Nations of objects launched into outer space, for instance by states that have not ratified


5 Text available at <http://www.oosa.unvienna.org/pdf/gares/ARES_16_1721E.pdf>. A useful online index of all UN General Assembly resolutions relating to outer space is maintained by the UN Office for Outer Space Affairs and can be found at <http://www.oosa.unvienna.org/oosa/SpaceLaw/gares/index.html>.