

On approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Belarus on Co-operation in exploration and peaceful uses of outer space

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan of April 18, 2018 No. 202

Unofficial translation

The Government of the Republic of Kazakhstan **HEREBY DECLARES:**

1. To approve the attached Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Belarus on Co-operation in exploration and peaceful uses of outer space, made in Astana on August 13, 2017.

2. This decree shall be put into effect upon the day of signing.

*Prime Minister
of the Republic of Kazakhstan*

B. Sagintayev

Approved
by the decree no.202 of the
Government
of the Republic of Kazakhstan
dated April 18, 2018

Agreement

between the Government of the Republic of Kazakhstan and the Government of the Republic of Belarus on Co-operation in Exploration and Peaceful Uses of Outer Space

The Government of the Republic of Kazakhstan and The Government of the Republic of Belarus, hereinafter referred to as the Parties,

in consideration of the mutual interests in joining efforts for implementation of national and joint space programs, projects and arrangements,

having regard to the understanding the importance of development of scientific-technical and production Co-operation in space activities between the organizations of the States of the Parties and successive improvement of the forms of Co-operation between them,

being aware of the importance of space science and engineering for social-economic and scientific-technical development of the Republic of Kazakhstan and the Republic of Belarus,

having regard to provisions of the Agreement on the principles of activities of the states on exploration and uses of outer space including the Moon and other celestial bodies, dated January 27, 1967, as well as other multilateral agreements in the field of space activities, the participants of which are the Republic of Kazakhstan and the Republic of Belarus,

have made this agreement as follows:

Article 1

Bases for Co-operation

This Agreement shall regulate the Co-operation of the States of the Parties in the field of exploration and peaceful uses of the outer space, development and implementation of space technologies for the benefit of the progress of economy, science, ensuring safety and social development of the States of the Parties.

Co-operation under this Agreement shall be made in accordance with the legislations of the States of the Parties in compliance with generally accepted norms and principles of international law and without prejudice to the fulfillment by the States of the Parties of their obligations under other international treaties to which they are parties.

Co-operation under this Agreement shall be based on the following principles:

equality and mutual consideration of the interests of the States of the Parties;

state support of the joint space activities;

rational choice of organizational and economical forms of Co-operation;

regulation and protection of the rights to ownership, including intellectual, transferred and created in the process of implementation of joint projects, programs and arrangements under this Agreement;

provision of the ecological safety of the performed joint activities.

Article 2

Competent Authorities

The Parties shall assign the competent authorities, responsible for coordination and development of Co-operation under this Agreement (hereinafter referred to as the Competent Authorities) as follows:

On behalf of the Kazakhstan Party - the Ministry of Defense and Aerospace Industry of the Republic of Kazakhstan (Aerospace Committee);

On behalf of the Belarus Party – the National Academy of Sciences of Belarus.

For the purposes of implementation of this Agreement, the competent authorities in accordance with the legislations of the States of the Parties shall:

assign general contractors - organizations of their states notwithstanding the forms of their ownership for the purposes of performance of joint programs, projects and arrangements under this Agreement;

perform planning and control implementation of joint programs, projects and arrangements of the Co-operation;

create, when necessary, special commissions or working groups for the purposes of coordination of activities associated with the implementation of this Agreement.

Article 3

Areas of Co-operation

Co-operation under this Agreement shall be carried out in the following areas:

Exploration of the outer space;

Earth remote sensing;

development of spacecrafts, launch vehicles and other space-related equipment;

creation and development of ground-based space infrastructure;

launch of spacecraft and scientific equipment;

satellite navigation systems and technologies;

satellite communication systems and broadcasting and technology;

space medicine and biology;

protection of the space environment, including control, warning and reduction of man-made impact on it;

standardization in space activities.

Other areas of Co-operation under this Agreement shall be determined by mutual agreement of the competent authorities of the States of the Parties.

Article 4

Forms of Co-operation

Co-operation under this Agreement shall be carried out in the following forms:

planning and implementation of joint programs, project activities;

mutual exchange of scientific and technical information, special knowledge, experimental data, results of developmental works and materials in various areas of space science and technology;

mutual promotion of access to government programs for research and the use of outer space for peaceful purposes, as well as international programs and projects on the practical application of space technologies and the development of space infrastructure;

use of ground objects and systems for launches and control of space vehicles;

organization of training programs, exchange of specialists and scientists;

holding symposia, conferences and other similar events;

participation in specialized exhibitions, fairs and other similar events;

development of various forms of partnership in the international market of space technologies and services;

mutual technical assistance and assistance in the implementation of space activities;

establishment of direct links between ministries, departments, enterprises and organizations of the States of the Parties involved in the implementation of joint activities under this Agreement.

By mutual agreement, the competent authorities of the States of the Parties may additionally determine other forms of Co-operation in accordance with the provisions of this Agreement.

Article 5

Intellectual Property

Protection of intellectual property rights transferred and created under the implementation of this Agreement shall be provided in accordance with international obligations and laws of the States of the Parties.

The competent authorities or the principal executors shall determine conditions for the distribution, use and disposal of intellectual property rights transferred and created in the framework of joint projects, programs and activities in separate agreements or contracts (treaties).

Article 6

Exchange of Information

The Parties shall facilitate the exchange of scientific and technical information, with the exception of information of limited dissemination and information constituting state secrets relating to joint activities under this Agreement.

Scientific and technical information obtained from the implementation of joint projects, programs and activities will be available to the competent authorities of the Parties.

The exchange of confidential information and the treatment of it under this Agreement shall be carried out in accordance with the legislations of the States of the Parties and may be governed by separate agreements on joint projects, programs and activities.

The competent authority or the general contractors of the state of one Party shall not be authorized, without the prior consent of the competent authority or the general contractors of the other Party, to transfer or to publish information about the content of joint projects, programs and activities, the results and data obtained during their implementation, as well as information the exchange of which is carried out under this Agreement.

Article 7

Property Protection and Technology Protection Measures

1. Each Party in accordance with the laws of its state shall promote the legal and physical protection of the property of the other Party located in its territory and used in joint activities under this Agreement.

The issues of protection of property used in the framework of joint activities may be regulated in separate agreements or contracts for the implementation of certain space projects.

2. In the framework of joint activities, the Parties, if necessary, shall conclude or assist the general contractors in concluding agreements on measures for the protection of technologies.

Article 8

Expert Control

Co-operation under this Agreement shall be carried out by the Parties in accordance with the legislations of their states in the area of export control and without prejudice to the relevant international legal obligations of the States of the Parties.

Article 9

Financing

Financing activities related to the implementation of joint projects, programs and activities may be carried out on a contractual (contractual) basis at the expense of the budgetary funds of the States of the Parties (as part of national space programs), as well as extrabudgetary sources in accordance with the legislations of the States of the Parties.

The amounts of financial resources of the States of the Parties required for the implementation of work on joint projects, programs and activities shall be determined based on the principle of equity participation and on the basis of the amount of work carried out in the interests of each of the States of the Parties.

A r t i c l e 1 0

Settlement of Disputes

Disputes arising in connection with the interpretation or application of this Agreement shall be resolved through consultations and negotiations between the competent authorities of the Parties.

If the dispute is not settled by the competent authorities of the Parties, it shall be resolved through consultations or negotiations between the Parties through diplomatic channels.

Article 11

Introduction of Amendments and Additions

By agreement of the Parties, this Agreement may be amended and supplemented, being an integral part of it, drawn up by the relevant protocols and entered into force in accordance with the procedure established for the entry into force of this Agreement.

Article 12

Final Provisions

This Agreement shall be concluded for a period of ten years and shall enter into force from the date of receipt through diplomatic channels of the last written notification of the implementation by the Parties of the internal state procedures necessary for its entry into force . In the future, its action shall be automatically extended for subsequent five-year periods, if none of the Parties at least six months before the expiration of the next period informs the other Party in writing through diplomatic channels of its intention to terminate it.

In the event of termination of this Agreement, its provisions shall continue to apply to all unfinished joint projects, programs and activities, unless the Parties agree otherwise. Termination of this Agreement shall not constitute a legal basis for unilateral revision or non-compliance with existing contractual obligations of a financial or other nature, and shall not affect the rights and obligations of legal entities and (or) individuals arising under this Agreement prior to termination.

Done in Astana on August 13, 2017 in duplicate, each in the Kazakh, Belarusian and Russian languages, all texts being equally authentic. In case of disputes regarding the interpretation and application of this Agreement, the text in Russian will be used.

For the Government

For the Government

of the Republic of Kazakhstan

of the Republic of Belarus