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THE RELATIONSHIP BETWEEN THE OUTER SPACE TREATY AND THE RADIO REGULATIONS

Abstract

The Outer Space Treaty, short for the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, drafted by the Committee on the Peaceful Uses of Outer Space (COPUS) and which entered into force in 1967, forms the basis of international space law. Among its seventeen articles, it stipulates the fundamental principles of governing outer space-related activities.

Radio frequencies and any associated orbits, including the geostationary-satellite orbit, are the bases of exploration and use of outer space. Referring to provision No. 196 of the International Telecommunication Union (ITU) Constitution, they are limited natural resources and must be used rationally, efficiently and economically, in conformity with the provisions of the Radio Regulations. ITU is the United Nations specialized agency for information and communication technologies. The legal framework of ITU comprises the Constitution, Convention and Radio Regulations. Detailed regulations and procedures governing spectrum/orbit use are contained in the Radio Regulations which is a binding international treaty while the principles are contained in the Constitution and Convention.

As indicated in the above context, the Radio Regulations is the leading instrument that applies to any radio communications or use of radio frequency within the regulated frequency band (9 kHz 1000 GHz) performed by any objects in outer space. Therefore, the space part of Radio Regulations may belong to the international space law set-up in a broad sense. In this paper, the development of the Radio Regulations will be presented. Moreover, the relationship between the Radio Regulations and the Outer Space Treaty will be addressed, conformity to and implementation of the Outer Space for the Radio Regulations in particular.