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ITU INSTRUMENTS UNDER THE PERSPECTIVE OF GENERAL INTERNATIONAL LAW

Abstract

The current discussion on the scope of competences of the International Telecommunication Union, especially over the Internet (WCIT 2012), opens again the general question on the relation of the ITU legal framework to other sources of international law. The starting point of the contribution is the fact that with the exemption of peremptory norms of international law as codified in Article 53 of the Vienna Convention on the Law of Treaties, and the obligation of the UN Member States under the UN Charter according to its Article 103, there is no hierarchy among various categories of international legal instruments. In case of conflict, the maxims *lex posterior* and *lex specialis* are generally applicable. The contribution seeks to analyse the consequences of this legal situation on the relation of some of the ITU rules, such as the right of stoppage of telecommunication according to Article 34 of its Constitution, to those areas of international law which provide for freedom of expression and information as interpreted by the European Court of Human Rights and other judicial or parajudicial bodies, or to the sphere of the law of outer space based on the principle of freedom of exploitation.