

61st IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Interactive Presentations - 61st IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (IP)

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INTENTIONAL HARMFUL INTERFERENCE WITH SATELLITE SIGNALS, IS THE ITU
EQUIPPED TO HANDLE THIS?

Abstract

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Article 45 of the ITU Constitution and article 14.1 of the ITU Radio Regulations prohibit any type of interference - whether deliberate or unintended - to radio services or communications of other Member State or private station. Therefore, when a State or a private station jam a satellite's signal, they are unduly using a radio signal on a frequency which has not been allocated to them, thus acting contrary to the aforementioned regulations. The information that is being transmitted can be used for military, political, economic, social or criminal purposes, and what worries the most is that cases involving 'jamming' are increasing dramatically. It seems that neither the ITU nor other UN agencies have succeeded on establishing a binding legal instrument that restraint or prohibit a State from jamming others satellite's signals. Moreover, there is no provision empowering the ITU to take corrective actions against a jamming entity or State, nor to impose sanctions to them. Strategies are being implemented by governments and the satellite industry on a three-fold basis to wit political pressure, technical means and international regulatory mechanisms.

This paper will analyze whether or not the ITU has enough tools to handle situations involving intentional harmful interference to satellite signals. On doing so this document will address what can the ITU done on this respect and what have been done so far in order to solve the intentional interference. In this light, the legal regime permeating this situation will be studied in order to define what is still needed in cases of abuse to the ITU regulatory system, especially regarding the need of implementing the arbitration procedure provided on the ITU Convention. Therefore, the remedies that a State has when receiving a broadcast without giving consent will be discussed, regarding the goodwill and mutual assistance under which the sovereign States must solve these cases, according to the ITU Convention. Finally, and in order to materialize the problem, the Middle East case will be analyzed.