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THE PCA'S OPTIONAL RULES FOR THE ARBITRATION OF DISPUTES RELATING TO OUTER  
SPACE ACTIVITIES AND DISPUTE RESOLUTION IN THE ITU REGULATORY SYSTEM.**Abstract**

The Permanent Court of Arbitration (PCA) Optional Rules for the Arbitration of Disputes Relating to Outer Space Activities were created to deal with the specific needs of these conflicts involving States, international organizations and private entities.<sup>1</sup> They are a voluntary mechanism of settlement of disputes, opened to all parties involved, who can choose their own decision-makers. Parties can also keep their confidential interests protected and the solutions are final and binding.<sup>2</sup> They have a broader scope of application than other instruments in international space law.<sup>3</sup> It is a formal source of resolution of international disputes that is able to overcome the limitations of the international Space Law instruments created in the past and for another reality. Space disputes are becoming more complex and frequent since the number of States with space capabilities and commercial activities in space have increased. The competition over radio frequencies and orbital slots is severe among the space players and they are limited natural resources. International telecommunication Union (ITU) is in charge to distribute these resources and to protect all registered radio frequencies and orbital slots from harmful interference. However, its settlement of disputes mechanism is currently dependent on diplomatic channels and there are no sanctions ITU can impose. ITU has an optional protocol for compulsory settlement of disputes through arbitration; however it has never been used.<sup>4</sup> ITU could benefit of the PCA's specialized rules.<sup>5</sup> This paper addresses ITU regulatory provisions regarding settlement of disputes, through a doctrinal approach, in order to demonstrate the weakness of its provisions to settle disputes. It also defends the adoption of the PCA's rules to ITU disputes. Finally the paper suggests that the process of incorporation of PCA's rules by ITU members will lead to discussions on the matter and these are important steps to build essential confidence to this instrument be used in the international community. Helping solving complex space disputes, PCA's rules promote the effective space development for the benefice of mankind.

1.PCA Rules for Arbitration Disputes Relating to Outer Space Activities, introduction, December, 2011.

2. Judge Fausto Pocar. An Introduction to the PCA's Optional Rules for Arbitration of Disputes Relating to Outer Space Activities. *Journal of Space Law*. Volume 38, 2012 at 177-79.

3.Judge Fausto Pocar, at 181.

4.ITU Constitution, article 56; ITU Convention, article 41; Radio Regulations, article 15 and 9.64.

5.Ram Jakhu. Dispute Resolution under the ITU Agreements. s (Advisory Group Discussion Paper, 2010).