

59th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)  
Interactive Presentations (IP)Author: Ms. Elena Carpanelli  
Italy

## SATELLITE JAMMING, HUMAN RIGHTS PROTECTION AND NATIONAL SECURITY

**Abstract**

In recent years, parallel to the growing political tensions that have hit several Arab countries, satellite jamming has become an increasingly widespread practice.

Against this background, this paper aims at analysing the compatibility of satellite jamming with international law and, more specifically, human rights law. After a brief overview of the possible issues that this practice may raise under international law generally, the paper will thus focus on those international rules that provide for the right to impart and receive information. In addition, given the relative and derogable nature of this right, specific attention will be paid to establish whether satellite jamming may be justified under the exemption clauses envisaged in the relevant instruments, which include “national security concerns” and “state of emergency” as possible grounds for restriction or suspension of the relevant guarantees.

Secondly, attention will be paid to the fact that radiations resulting from satellite jamming may also have negative impacts on public health (ITU Resolution no. 176 of 2014). Even admitting that a self-standing right to a healthy environment has not yet reached the status of a well-established norm (which is per se controversial), human rights rules have undoubtedly been increasingly interpreted so to encompass an environmental dimension. Such consideration may lead to question the compatibility of satellite jamming with other human rights norms, such as the right to life and the right to respect for private and family life. Again, the legal nature of these provisions will be taken into account in order to assess whether such rules may nonetheless be subjected to limitations under certain circumstances.

Finally, even admitting that satellite jamming may violate international human rights law, attention will be paid to those international rules governing State responsibility in order to explore whether there may be grounds preventing wrongfulness. This specific aspect raises further sub-questions, among which: does broadcasting of certain contents amount to a violation of international law? Is satellite jamming a proportionate counter-measure? Would the resort to satellite jamming meet the requirements for counter-measures (such as the respect for human rights)? Would satellite jamming not interfere with the essential interests of another State or the international community under the state of necessity argument (for instance, in terms of human rights protection)?

In light of the foregoing, the paper will attempt to draw some conclusions as to the current normative framework and propose some possible actions in a *de lege ferenda* perspective.