

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Dispute Settlement (2)

Author: Prof Philippe Achilleas
Institut du Droit de l'Espace et des Telecommunications (IDEST), France,
philippe.achilleas@idest-paris.org

SETTLEMENT OF DISPUTES IN THE FIELD OF SATELLITE MEDIA

Abstract

The issue of dispute resolution mechanisms in the field of satellite media is little addressed in the space law literature. However, the drafters of the Outer Space Treaty were concerned about the risks of satellite propaganda by recalling in the preamble to the treaty the prohibition of this content.

The prohibition of satellite propaganda was then linked to the context of the Cold War. However, there has been a recent increase of cases concerning illegal content transmitted by satellite such as the Al Manar case between France and Lebanon (2004) and the case of interferences with Eutelsat content by Iran (from 2010). A series of cases have also been brought to the attention of the institutions of the European Union since 2010. They implicate channels broadcasted by satellite whose content is contrary to public order: the Kurdish channel Roj TV received in Germany, the Russian channels NTV and Rossiya RTR broadcasted in the Baltic countries. The question of maintaining the Russian channels RT and Sputnik in the European market also arose in the context of the Ukrainian crisis. The CJEU and the European Commission have ruled on several cases concerning illegal content transmitted by satellite.

The purpose of the paper is to analyze disputes related to satellite media and their method of settlement. Dispute settlement mechanisms put in place by international organisations, such as the ITU, and European institutions will be examined as well as diplomatic initiatives implemented on a bilateral basis. The paper will also analyze the effectiveness of the proposed solutions. In a connected world where information is accessible through multiple platforms, dispute resolution mechanisms are only one way to combat against illegal content transmitted by international communication networks. Complementary measures such as media education are necessary.