

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
UNCOPUOS and ITU Registration of Large Constellations (2)

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BEST PRACTICES FOR AN EFFECTIVE ITU-COPUOS COORDINATION

Abstract

The international Telecommunication Union (ITU) and the United Nations Committee on the Peaceful Uses of Outer Space (UN COPUOS) Member States have sovereign authority over the use of spectrum within their territory (ITU Constitution, Preamble), and control and jurisdiction over their own satellites (Article 8, Outer Space Treaties). However, spectrum and orbits are two limited (and increasingly, scarce) natural resources. The increasing use of space has led not only to a higher congestion of Earth orbits, but also of a growing demand for access to spectrum frequency bands for satellite applications, reflecting the advent of new spectrum hungry connectivity concepts, such as 5G mobile networks. The current situation is overburdening those international organizations such as UN COPUOS and ITU that deals with providing an overview respectively of registered space objects, and filled spectrum and (for Geosynchronous Orbit) related orbits. This paper aims to compare two ongoing phenomena: on the one hand, the problem of orbit and spectrum reservation without actual use, and the phenomenon of spectrum warehousing and overfilling with so-called paper satellites; and on the other, the lack of representation in the Online Index of Objects Launched into Outer Space of the status of active space objects in orbit. In accordance with the Convention on Registration of Objects Launched into Outer Space and UNGA resolution 1721 B (XVI), Members States should indeed register all space objects, either launched from their territory, or whose launch they have procured and report the existence of this registry and contents to the Secretary General of the United Nations. The paper demonstrates that while those two organizations will continue to have two clear different mandates, some best practices could be taken forward to enhance effectiveness of the two respective regimes, especially in view of a solid and efficient management framework with an international character.