

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Alternative Space Rules Setting (5)

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ITU'S CONTRIBUTION TO SPACE LAW: ENHANCING THE SYNERGY BETWEEN
TELECOMMUNICATIONS AND SPACE LEGAL FRAMEWORKS

Abstract

Since the dawn of the space age, the International Telecommunication Union (ITU) has played a pivotal role in shaping the development of space activities through its regulations on the use of spectral and orbital resources. The ITU's governance of the "spectrum-orbit" resource has, in many ways, indirectly addressed several pivotal issues within space law. This includes the principles of freedom of outer space, the non-appropriation of outer space and cooperation in outer space.

The ITU's normative actions complement those of the Committee on the Peaceful Uses of Outer Space (COPUOS) in the development and implementation of international space law. While COPUOS focuses more broadly on the governance of outer space activities, the ITU specializes in the regulation of telecommunications, including the allocation of satellite orbits and frequency bands. This delineation of roles allows each organization to contribute effectively within its area of expertise.

Recent challenges, such as the need for comprehensive space traffic management, have prompted action from both organizations. As the number of satellites and space debris increases, ensuring the sustainable use of outer space has become a pressing concern. This situation raises the potential for competition between the ITU and COPUOS in developing relevant standards and regulations. During the 2023 World Radiocommunication Conference, some national delegations encouraged the ITU to take proactive measures in protecting non-geostationary orbits, highlighting the evolving role of ITU in addressing emerging space challenges.

Despite these complexities, the ITU has remained cautious, striving to respect its designated area of competence and avoid overstepping into areas traditionally managed by COPUOS. This cautious approach underscores the importance of maintaining a clear division of labor between these organizations while also seeking synergies where their mandates intersect.

This presentation aims to delve deeper into the ITU's regulatory contributions to the implementation of the main principles of space law. By examining the intricate relationship between ITU regulations and COPUOS standards, it highlights areas of both complementarity and potential competition. The analysis seeks to understand how the ITU's work in regulating telecommunications intersects with broader legal principles governing outer space, thereby contributing to a coherent and comprehensive framework for outer space activities. Through this exploration, the presentation will shed light on the critical role of ITU regulations in supporting the sustainable and peaceful use of outer space, alongside the ongoing efforts of COPUOS to navigate the complex legal and technical challenges of the final frontier.