Reforming the International Telecommunication Union Through Global Space Governance

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The Problem of IHI

- IHI is the deliberate jamming or pirating of satellite radio communications whereby the interfering transmissions specifically target an affected satellite, its transponders, and content.

- The number of IHI cases is growing rapidly.

- IHI could even potentially be used by terrorist organizations and nation states to cause significant harm to people and property on earth.

- IHI is a serious problem which transcends national borders, can affect any nation state, and so should be dealt with globally on a collective basis.

- The right of all nations to equal access to outer space includes freedom from threats such as IHI, and so potential resolution of this problem is central to any discussion regarding the future uses of space and its resources.
ITU Must Be Reformed

- IHI is inadequately addressed at the international level because of a lack of institutional mechanisms capable of effectively dealing with the problem.
- The ITU lacks procedures for dealing with IHI.
- In order to address the issue, various reforms should be implemented both within and outside the ITU through global governance in order to deal with the increasingly dangerous issue of IHI.

Source: gmcloud.com
Global Governance and the ITU

- Under standard principles of global governance, the ITU can be reformed both from within and outside the organization to more effectively deal with the problem of IHI.

- Internally, the ITU could be reformed through the action of its Member States.

- Externally, reforms could be adopted by the ITU working with various intergovernmental agencies, notably the United Nations, as well as nongovernmental agencies, the satellite industry, and other public and private, formal and informal actors and stakeholders who have an interest in preventing occurrences of IHI.

Source: Boeing
Promulgate clear definitions of what actions constitute infringement of ITU regulations so that Member States and other parties are aware of their rights and responsibilities regarding IHI; no such definitions presently exist.
Establish an independent international monitoring system to process information in order to provide accurate and unbiased data regarding the geolocation of interfering stations.

The ITU international monitoring system is comprised only of monitoring stations that have been established by individual nations.

The ITU is attempting to implement a more independent monitoring system amongst its Member States that will hopefully provide sufficiently independent information so that Member States would be willing to trust its accuracy.
Give the ITU Power to Impose Sanctions on Offenders

- ITU has no power to impose sanctions upon parties which engage in IHI.

- One of the few ways to prevent IHI is through the use of sanctions sufficiently severe enough to discourage and/or eliminate the practice. ITU currently has no such sanctions.

- Any ITU sanctions would obviously be administrative, not criminal, in nature.

- Criminal law could apply to cases of IHI, but that would be beyond the mandate of the ITU, although the ITU could provide a forum for discussion of the topic.
Encourage Arbitration of IHI Disputes

Arbitration can resolve disputes involving IHI.

Member States should be encouraged to become Parties to the Optional Protocol on the Compulsory Settlement of Disputes.

Member States can seek redress in the Permanent Court of Arbitration, which recently promulgated Optional Rules for the Arbitration of Disputes Relating to Outer Space Activities.
Amend ITU regulations so that both the Radio Communication Bureau and Radio Regulation Board have a greater role in the settlement of such disputes.

Allow both Boards to intervene in IHI cases on their own initiative, call for evidence from different sources, issue decisions, create a database of IHI events, and act in a quasi-judicial capacity,
Internal Reforms Are Admittedly Difficult to Achieve

- Consent of a majority of the Member States of the ITU would be required.

- Any proposed reform(s) would have to be initiated by ITU Member State(s) and be approved by at least two-thirds of the delegations accredited with the right to vote at the ITU’s Plenipotentiary Conference.

- This is a significant hurdle for those ITU Member States seeking to implement any reforms.

- IHI is sufficiently problematic and will likely become more so in the future such that this may incentivize Member States to impose reforms that deal with the problem.
External Reform: Intergovernmental Cooperation

- Global governance includes reforms external to an organization by linking counterpart national actors, both public and private, formal and informal, across borders and institutions.

- The United Nations and its specialized agencies are the most obvious public actors, but other governmental organizations on both a national or even local level can play a role.

- Cooperation between intergovernmental agencies is one way of promoting reforms, such as in the case of the ICAO–ITU MoC.
Collaborative regulation involves negotiation whereby all participants seek consensus and in which representatives of similarly situated stakeholders are included in any reform-related discussions.

ITU working with organizations such as the Satellite Industry Association (SIA) and the European Satellite Operator’s Association (ESOA) to provide assistance in satellite monitoring and helping to determine sources of IHI is an example.

Source: abc.net.au
Conclusions

- Global governance can provide potential solutions to preventing cases of IHI.
- Internal reforms within ITU by its Member States.
- External reforms by participating with actors outside the ITU.
- Reforms of any international institution are difficult to achieve.
- If you don’t try, the answer is no anyway!

Source: thenetwokedeconomy.com
THANK YOU!