

The Role of the World Interest in Space Telecommunication Activities

Francis Lyall

Professor of Public Law University of Aberdeen
Aberdeen AB24 3UB Scotland, U.K.

Abstract

There are general world interests in space telecommunications. The paper discusses what these interests mainly are, how they are at present accommodated within the existing regulations for satellite telecommunications, and how they might be better secured in the developing commercial environment. The transformation of major telecommunications entities from intergovernmental organisations to privatised entities has required consideration of the viability of un-commercial services, whose maintenance is necessary as 'public services'. In addition, the ITU has had to change in response to a mutation in the ultimate nature of its 'customers' through the privatisation of national telecommunications entities. Evolution is not without its sacrifices. We must be careful that the general world interest is not among the casualties.

© F. Lyall.2001.

Director, IISL. Member, IAA.

Published by the American Institute of Aeronautics and Astronautics, Inc., with permission. Released to IAF/ AIAA to publish in all forms.

1. Introduction:

What follows is in a very interim form both as to reasoning and as to tentative conclusions. A number of us have been thinking about the matter,¹ and this paper does not seek properly to consider these other contributions. To discuss the 'role of the world interest in space telecommunications activities is, of course, to deal with a part of a more general topic, that of 'world interest' as an emerging concept. It involves consideration of the way in which legal principle, rights, obligations and remedies are, as it were, spreading. As we will see, the idea of obligation *erga omnes*, a duty owed to the international community as a whole, not to an identified state, or in respect of a national interest in territory under national jurisdiction, is new. And there remains questions of enforcement.

2. Definitions

Is there such a thing as the world interest or the world public interest?

On one level the question is a simple one of ethics. Can any society, even the society of nations, be considered civilised if the provision of and access to basic services is dependent on and conditioned by questions of commercial profit? The question is of ethics: response to it is, on one level, political. But it must also affect Law.

Concern as to the world (or global) public interest in space matters is not new. Although it was expressed clearly in, for example, the recommendations of the Law Workshop that preceded UNISPACE III,² Henri Wassenbergh, for one, early pointed out its importance. Writing in 1991 in his view '[E]ventually the present freedom under existing space law will be limited by the requirements of a 'global public interest'.³ That limitation may have eventuated earlier than Prof. Wassenbergh expected.

What in law is a matter of 'world interest' or what is the 'world public interest' as it is sometimes called? It is something beyond the mere 'interest', and shares something of the meaning that distinguishes a 'legal interest' from something which people find interesting - or even to which by reason of intellectual or emotional 'interest' they may be committed to.⁴ The distinction is familiar within municipal legal systems. It is also to be found in International Law, as where the World Court declined to enforce as a matter of law, the moral and political interests which it recognised states might have in 1966 in the matter of *South-West Africa*.⁵ On that line of argument, it is not up to a court to invent propositions of law to protect interests which are fundamentally non-legal, and for whose protection law has not been made. On the other hand, to say that courts can 'only apply the law' is false to the experience of history. The idea that all law is somehow 'out there', and only awaits being found, is an interesting metaphor: but only a metaphor. By art. 38.1 of the Statute of the International Court of Justice the Court is required to decide the cases that are properly brought before it. It cannot say 'there is no law, therefore we cannot decide' (*non liquet*).⁶ Depending on one's view of what is going on, since the *South West Africa Case* the Court has been able on occasion to open up areas of law by pointing to international activity in an area,

or to develop the law within that area. Consider International Environmental Law.

The incipient 'International Environmental Law' laboured under the difficulty that often either damage was not clearly attributable to a particular state, or damage was done to areas of the globe outwith national jurisdiction. Who could be sue, and who had 'standing' to raise a legal complaint? In the last decade the work of the International Law Commission as to State Responsibility as well as various governmental treaties and other conferences and writings provided on one line of argument the evidence as to 'law' which the International Court needed to say that 'law exists', or on another line, afforded the Court the opportunity to innovate through recognising as legal an interest which previously was thought of as moral. Whatever - the Court has determined that there is now a body of international environmental law. In its Advisory Opinion of 1996 on the *Legality of the Threat or Use of Nuclear Weapons* the Court expressly stated: 'The existence of the general obligation of States to ensure that activities within their jurisdiction and control respect the environment of other States or of areas beyond national control is now part of the corpus of international law relating to the environment.'⁷

A year later, in another case also involving the environment the Court expressly quoted that statement, saying that it had 'recently occasion to stress, the great significance that it attaches to respect for the environment, not only for States but also for the whole of mankind'.⁸ Was this judicial legislation, or a recognition of legal development?

Although the title of this paper relates to space, I would argue that in relation to telecommunications at large a development as to 'world interest' similar to that about the environment both should take place, and may well be occurring. In his Declaration in the *Nuclear Weapons*

Advisory Opinion, Judge Vereshchetin wrote of how 'building materials' for a rule of law might be developed.⁹ That can happen with telecommunications rights and duties.

But to take a step back, what then is a/the 'world interest', or a/the 'world public interest'?

In municipal legal systems a matter of the 'public interest' is something which sufficiently benefits the community at large to justify the expenditure of time, energy, and/ or funds, whether public or private, beyond that which any one individual would normally contribute. It may appear enshrined as a formal legal duty. Often it requires communal action, and funding. It may involve action positively to provide something, or negatively to prevent or deter activities which are not communally desirable. A simple test would be to say that there must be a strong element of utility, but that does not go far enough. In many instances there is an element of public beneficence running beyond that which would be commercially justified.¹⁰ Indeed, one might almost say that the 'public service' implies that the service is provided irrespective of commercial considerations, and without a view to profit. Such cases may involve subsidy from related commercially successful operations, or by direct contribution from public funds (i.e. taxation and fiscal revenue). Negatively one might cite the whole structures of the enforcement of criminal law. 'Public interest' is therefore a compressed phrase, matters of 'public interest' being matters in which the public (whether a community within a state or the aggregation of the populations of the states of the world) have an interest in securing, whether positively or negatively. In relation to space telecommunications we can subdivide the world public interest into certain interests at large, and questions of 'public services'. We can also see where that 'interest' has been crystallised as a legal right or duty.

The world public interest in space telecommunications has three aspects. There is first, the general interest in the rational and efficient use of the radio spectrum and relevant orbits, both geostationary and otherwise. There is second, the general interest in the provision of certain public services. Third there is the more restricted interest, not necessarily affecting all, that some of these services will or should be provided on a basis which is non-discriminatory as to access, or cost. We will come to these. However, I want to make two other preliminary and general comments.

First, although this paper deals with space telecommunications, as indicated above there are many other matters of international concern and debate in which the world interest is important. Environmental matters clearly come into that category. We should not be blinkered in our consideration of space. Space matters are but one practical aspect of a wider problem - the role of the world interest in both international and in national affairs insofar as they affect the community of the world. What about armed intervention to prevent or discourage ethnic conflict? As we cut the grass and pull the weeds in our garden, it is sometimes desirable to look over the walls and encourage our neighbours - maybe even through valid criticism of their efforts in their gardens.

Second, it will be seen below that certain interests are considered. Whether it is better to talk of a 'world public interest' or of 'world public interests' can remain a question. The former formulation can help usefully isolate characteristics to be found common as between various specific matters. On the other hand, in practice the technical differences between the different areas in which the 'world public interest' manifests itself can incline one either to treat the expression as the equivalent of a collective noun, or to add the 's; to 'interest'.

2. The rational, economic and efficient use of space

That space should be used rationally, economically and efficiently may seem a truism. The words appear in connection with the use of radio frequencies and orbits in art. 44.2 (196) of the ITU Constitution (CS)¹¹ because they are 'limited natural resources'. The immediately preceding provision is more closely aligned to the elements of efficiency and economy since it requires states to ensure that they limit the number of frequencies and the spectrum spread they use to the 'minimum essential to provide in a satisfactory manner the necessary services', and in doing so 'they shall endeavour to apply the latest technical advances as soon as possible' (CS art. 44.1 (195)). The obligations of CS art. 45 (197-199) as to the avoidance of harmful interference and the onus placed on states to ensure compliance back up these requirements. In that connection it is good to see the US Federal Communications Commission has exercised its police function, cancelling licences which, for one reason or another have not been complied with within the time-scales it has laid down in individual cases or which fail to comply with technical requirements.¹² This can be done through a provision automatically annulling a licence if there is a failure to meet the requirements it lays down, or through a provision allowing others - notably competitors - to complain that a licence-holder has so failed.¹³ Such a system whereby the industry is self-policing in part at least has value where there is open competition and public availability of data. The constitutional arrangements of other countries active in licensing and notifying space systems made such 'self-policing' more difficult, and depend to an undue extent upon the vigilance of civil servants.

Within the structures of the ITU it is the particular duty of the Radiocommunication Sector to see that the

radio spectrum is used rationally, economically and efficiently (CS art. 12.1.1)). The Table of Frequency Allocations within the Radio Regulations is one way in which rationality, economy and efficiency are approached - I do not think anyone would argue these goals have yet been attained. Other ways in which the Sector acts is through the examination by the Radiocommunication Bureau of notifications of assignments, and the Bureau's and the Radio Regulations Board's roles in the negotiation of solutions to problems.¹⁴

The 'rational' element of CS art. 44, however, may raise in some minds the question of *a priori* planning of orbits and frequencies, as against the 'first come, first served' implicit in the priority afforded by appropriate registration in the International Frequency Master Register (the Register). Further, I have just left out the word 'equitable' from that recital of part of the duty of the Radiocommunication Sector. Does equity not require that all countries have an equal right to spectrum and orbit? I doubt it. The disparity of size between states and their levels of ability either to make use of space, or to supervise those whom they may licence, must be factored into such matters, despite the language of Art. I of the Outer Space Treaty.¹⁵ That language refers to the benefit, not to the method by which it is disseminated. I therefore remain of the view that a completely engineered spectrum and geostationary orbital plan would be inefficient and uneconomic in its use of space.¹⁶ The present balance we have whereby all states are guaranteed a position within an orbital arc together with appropriate frequencies for direct broadcast purposes,¹⁷ and others may use such positions and frequencies on a 'first come, first served' basis until the designated individual states require them, is satisfactory. That compromise best serves the world interest.¹⁸

3. Public Services

It is in the world interest that certain services should exist. We can call these 'public services' in the sense that, as noted above, these are services that should be provided without regard (or without overriding regard) to commercial profit.¹⁹ Space has opened new ways in which some of these services can be provided. A clear example is telecommunications. Telecommunication services have been greatly increased in kind and in availability through the use of satellite systems.²⁰ Space has also provided new services such as the global navigation or positioning satellite systems (GNSS), the maritime distress systems (GDMSS) (which have largely replaced coastguard services round the U.K.) and meteorological services.

In the space arena it is in the world interest that appropriate radio frequencies and orbits are available for public services, and that that availability is protected. At present orbital positions other than for the direct broadcast system under the 1985-88 WARC as amended at Istanbul in 2000 are not secured. Radio frequencies are set aside for certain public services among all the other particular services dealt with in the Table of Allocations in the Radio Regulations. I suggest that certain orbits should be set aside for public service satellites in cases where the orbit is important for the service to be provided.

But what would constitute a 'public service' that is to be so secured? I would certainly classify GNSS, GDMSS and meteorological services as such. Their operation involves telecommunication. To them I would add telecommunications for tele-medicine and other important matters of health.²¹ I would also add more ordinary telecommunications, certainly in the case where a state has become reliant on one of the former INTELSAT or INMARSAT entities for domestic and international communications.²²

The threat to be countered is that the demands for spectrum and for orbits made by the commercial entities that have begun to offer space services may deleteriously affect the spectrum and orbits used by 'public services'. I note that the Istanbul World Radio Conference was faced with the difficulty of low earth orbit satellite systems affecting geostationary systems. A solution was agreed, but I dare say the problem will recur. Further, LEO systems have cast greedy eyes on other spectrum bands not allocated for the type of service they wish to market, but which are 'good' for the systems they wish to establish.²³ Lobbying and complaint goes on.

4. The Provision of and Access to Public Services

But how are such services to be provided, how should they be paid for, and correlatively, who should have access to them? The answer may not be the same for all services in which there is a world interest.

We must here make a distinction: a 'public service' is not the same as a 'service for the public'. To equate the two is to fall into error. A 'public service' is a service that ought to exist and be provided for those for whom it is necessary. It may be 'free at the point of use' (as our U.K. National Health Service is supposed to be) and paid for otherwise. It may require some payment by users, but without the charge wholly reflecting the elements of cost. We can see these points illustrated by early INTELSAT. Initial costs of constructing and setting up the INTELSAT system were shared by the Signatories to the Operating Agreement, which in most instances were arms of governments direct or at one remove. That cost was not charged to users in full. Further, under Art. V(d) of the inter-governmental INTELSAT Agreement, the charge for a particular utilisation of the system was required to be uniform for all

users. A telephone call on a high density route cost the same as a low density, or 'thin' route. In effect therefore, although INTELSAT was operated on commercial principles parts of its operation subsidised other parts, or subsidy occurred even within the same type of utilisation.

One threat of the privatisation of the former intergovernmental telecommunications entities, and of the entry of other commercial providers into the telecommunications arena is that what should be a 'public service' will become a 'service to the public' provided only to those who can pay a rate that will amortise the cost of the establishment of the system, and afford a clear profit to the entrepreneurs who stand behind the system.²⁴ It is good that in both cases the former world telecommunications satellite entities have in their new form arrangements for the maintenance of certain 'public service' obligations. INMARSAT will continue to provide GDMSS, guaranteed by its Public Service Agreement with the new International Mobile Satellite Organisation (IMSO) that has been created by the revisions of the INMARSAT Convention.²⁵ The privatised INTELSAT is similarly bound by a Public Service Agreement with a new International Telecommunications Satellite Organisation (ITSO)²⁶ to continue to provide life-line services to states which are on a list as requiring life-line connectivity because of their dependence on the INTELSAT system for domestic telecommunications.²⁷ However, these new arrangements in INTELSAT for 'life-line services' have a time-limit of twelve years from privatisation in July, 2001.²⁸ Thereafter the list may be reconsidered.

5. A Para-legal base

Is there a common geology to such ideas, a sub-stratum that supports all, while showing itself only occasionally on the surface? Here we go beyond Law and into

philosophy and theology. That may offend some, but to decline to go beyond the Law is an error. It invites an undue concentration on the technical formulation of legal norms, that can result in terrible things being classed as 'legal' and therefore not challengeable in law. In particular in the telecommunications field there is a danger that the fact that virtually all world telecommunications are now in the hands of entities that are required to operate for profit will result in profit or loss being the only test of whether a service is provided. Bean-counters would rule: shareholders would rejoice, until their own services were cut.

One para-legal base exists in the question posed earlier in this paper: can any society, even the society of nations, be considered civilised if the provision of and access to basic services is dependent on and conditioned by questions of commercial profit? Professor Wassenbergh suggests that as an alternative to 'human rights' founded on various bases, it:

'may be more realistic and legally more effective' to 'try to arrive at universal agreement on minimum cultural, social and economic (and maybe even political (i.e. democratic) standards for the different societies of man, to be implemented by national governments.'

States which do not observe such a universal agreement 'could be boycotted' as 'uncivilised'.²⁹

Perhaps. But 'boycotts' do not seem to work, and I think that appeals to some requirement of 'civilisation' underestimates the ability of societies and their leaders to go wrong. Buccaneering 'entrepreneurs' are not to be curbed by well-meaning words. *Trahisson des clerics* is a well-known disease. The ability of lawyers to construct argument to lead to almost any conclusion requested by their paymasters is well known. 'Minimum cultural, social and

economic standards' lack a living root if they do not draw actively from religion. Aristotle said that given a long enough lever he could move the world : but the lever requires a secure pivot. The base of 'minimum cultural, social and economic standards' unqualified is unsupported, and, indeed appears free-standing. 'Minimum' is an adjective that qualifies 'standards', and the standards have to be well-grounded, otherwise the 'minimum standard' lacks content. It may have a limited period of vitality, as a parasite can exist for a period without a host, but ultimately it itself cannot exist of itself. Any 'minimum' is parasitic on something broader and great than itself which must be recognised. The appeal of the phrase 'Minimum cultural, social and economic standards' is but that of an intellectual Indian rope-trick - a matter of rhetoric, and of smoke and mirrors. But there we do go beyond the formal competence of the International Institute of Space Law. I will take this up elsewhere.³⁰

NOTES

¹ M. Williams, 'Ethics, Space Activities and the Law' 2000 43 *Proc. IISL* 3-11, J.M. de Faraminan Gilbert, 'Law and Ethics of Outer Space' 2000 43 *Proc. IISL* 12-17; J. Monserrat Filho, 'Why and How to Define 'Global Public Interest'' 2000 43 *Proc. IISL* 22-33; L. Covert, 'Multicultural Issues in Law and Ethics of [the] International Space Station (ISS) and Astronaut-Related Medical Decision-making' 2000 43 *Proc. IISL* 34-49; Ram S. Jakhu, 'Safeguarding the Concept of Public Service and the Global Public Interest in Telecommunications, 2001 5 *Singapore J. Int. and Comp. Law* 71-102. Cf. less usefully, A. Pompidou, *The Ethics of*

Space Policy, Working Group on the Ethics of Outer Space, set up by UNESCO World Commission on the Ethics of Scientific Knowledge and Technology (COMEST), UNESCO 2001.

² *Proceedings of the Workshop on Space Law in the Twenty-first Century, UNISPACE III: Technical Forum, July 1999*, (New York and Vienna: United Nations, 2000) ST/SPACE/2.

³ H.A. Wassenbergh, 'Principles of Outer Space Law in Hindsight, (Dordrecht: Nijhoff, 1991), 20. I am indebted to J. Monserrat Filho's paper, 'Why and How to Define 'Global Public Interest'', (2000) 43 *Proc. IISL* 22-33, at 23 and n. 7, for pointing out this statement.

⁴ C.f. A. de Hoogh, *Obligations Erga Omnes and International Crimes*, (The Hague: Kluwer, 1996) 9-90; Ram S. Jakhu, 'Safeguarding the Concept of Public Service and the Global Public Interest in Telecommunications, 2001 *Singapore J. Int. and Comp. Law* (forthcoming), and my own 'On the Privatisation of INTELSAT' (2000) 28 *J. Sp. Law* 101-19.

⁵ *South West Africa, Second Phase*, 1966 ICJ Rep. 6 at paras. 49-51. I take the point from A. de Hoogh, (above n. 4) at 13.

⁶ It came close to that in the *Nuclear Weapons* Advisory Opinion (below, n. 7). Of course, there the Court was delivering an Advisory Opinion, which is not a contentious case. However, it is interesting to read the various separate opinions, dissents and declarations appended by the judges as to *dispositif* E, in which by the casting vote of the President it was decided that the Court 'cannot conclude definitively ...'.

⁷ *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, 8

July 1996, (1996) ICJ Rep. 226, para 29:
(1996) 35 *ILM* 809

⁸ *Case Concerning the Gabčíkovo-Nagymaros Project (Hungary / Slovakia)*, ICJ 25 September 1997, at para 53, 1998 37 *ILM* 168-242.

⁹ *Nuclear Weapons Advisory Opinion*, above n. 7, at 279-81. Cf. the materials reviewed in the dissent of Judge Oda at 330-74, although he was against the rendering of an Opinion at all, and of Judge Weeramantry at 429-555.

¹⁰ A classic instance is 'public service' broadcasting, virtually invented with the British Broadcasting Corporation, under the stewardship of John, Lord Reith of Stonehaven, during his time as Director-General of the BBC, 1926-32.

¹¹ See the ITU Constitution as printed in an up to date form in the *Collection of the basic texts of the International Telecommunication Union adopted by the Plenipotentiary Conference*, Edition 1999 (Geneva: ITU, 1999).

¹² See the various stages of 'In the Matter of Morning Star Satellite Company', Order and Authorisation, (Morning Star Authorisation Order) 12 FCC Rcd 6039, May 9, 1997 Released: Adopted May 6, 1997, Release-No. DA 97-975; Memorandum Opinion and Order (Morning Star Cancellation Order) 15 Rcd 11350, June 26 2000 Released; Adopted June 26, 2000, Release No. DA 00-1265; Memorandum Opinion and Order (Morning Star Cancellation Appeal Order) May 25, 2001 Released; Adopted May 23 2001; Release No. FCC 01-179.

¹³ The Morning Star case, just cited, arose through a complaint by another company. Cf. as to annulment: In the Matter of Norris Satellite Communications Inc., Order 7 FCC Rcd 4289

(Authorisation); Order 11 FCC Rcd 5402, (Nullification) March 14, 1996 Released; Adopted March 14, 1996; Memorandum Opinion and Order 12 FCC Rcd 22299 (Affirmation of Nullification) October 10 1997 Released; Adopted October 9 1997, Release No. FCC 97-377: cf. In the Matter of Mobile Communications Holdings Inc., Memorandum Opinion and Order (Annulment) 2001 FCC LEXIS 2978; May 31 2001, Released; Adopted May 30 2001, Release No. DA 01-1315. Waiver of a 'milestone requirement' is competent: cf. In the Matter of NetSat 28 Company, L.L.C. (Authorisation) 13 FCC Rcd 1392; May 9 1997, released; Adopted May 8, 1997, Release No. DA 97-976; Memorandum Opinion and Order (Waiver) 2001 FCC LEXIS 2882, May 25, 2001 Released; Adopted May 24, 2001, Release No. DA 01-1284.

¹⁴ It is notable that the ITU Optional Protocol on the Compulsory Settlement of Disputes, or the lesser arbitral procedure under ITU CS art. 56.2 (234) and ITU CV art. 41 (507-18), have never been used.

¹⁵ '[I]rrespective of their degree of economic or scientific development': One of the future problems of space law may well be the use of minor states as 'flags of convenience' for commercial entities which fundamentally are facades for companies and persons under the jurisdiction of states more willing and able to supervise their activities. Cf. the 'New Entrants', 'States' supervisory abilities' and 'Flags of Convenience: Homesteading' sections of my Discussion Paper on 'Expanding Global Communication Services' in *Proceedings of the Workshop on Space Law in the Twenty-first Century, UNISPACE III: Technical Forum*, July 1999, (New York and Vienna: United Nations, 2000) ST/SPACE/2, 63-80 at 69-70.

¹⁶ A Plan for all orbits is inconceivable.

¹⁷ See the Final Acts of WARC-ORB 1985-88, as amended by the World Radio Conference of Istanbul, 2000.

¹⁸ That said, I note the complaint by various countries at the recent ITU Council during discussions as to ITU Reform, that their opportunity to participate in the benefits of space through access to it is unduly restricted. Disquiet continues.

¹⁹ This is not the same as saying that these services should be 'free to users': some perhaps should be, but in other instances at least a user's contribution to cost is reasonable.

²⁰ Subsequent to the opening of space the development of fibre optic cable technology has also had great effects.

²¹ Under art. 40 of the ITU Constitution (191) international telecommunication services must give absolute priority to telecommunications concerning safety of life at sea, on land, in the air or outer space, and to exceptionally urgent epidemiological telecommunications of the World Health Organisation. Under CS art. 46 (200) radio stations shall accept and reply to distress calls and messages 'with absolute priority, irrespective of their source. As laid out in my article, 'International Law and New Global Private Satellite Telecommunications Systems' written for the 50th Birthday Conference of the Institute of Air and Space Law, McGill University (to be published in the *Annals of Air and Space Law*), such provisions run far back into ITU history.

²² See 'International Law and New Global Private Satellite Telecommunications Systems', n. 21 above. Cf. F. Lyall, 'On the Privatisation of INTELSAT', (2000) 26 *J. Sp. Law*, 101-19.

²³ 12 *Space News*, No. 31 of 13 August 2001 p. 6 indicates that the FCC is considering allowing spectrum sharing between mobile satellites and ground-based transmitters. See also In the Matter of Celsat America, Inc.; Modification of License to Authorize Geostationary-Satellite Orbit Mobile Satellite Service Feeder Link Operations in the Ka-Band, 2001 FCC LEXIS 4218; August 3, 2001 released; Adopted August 2 2001; Release No. DA 01-1882.

²⁴ The old INTELSAT Agreement allowed INTELSAT under certain conditions to provide satellites or facilities separate from the INTELSAT space segment. If INTELSAT were not to own these, a full cost recovery was required (Art. V(c)).

²⁵ By its Convention, IMSO has two organs, the Assembly, composed of all Parties, and a Secretariat, headed by a Director (Arts. 5 and 6). The Assembly meets every two years, though an extraordinary session is possible (Art. 6). Every Party has one vote in the Assembly (Art. 7.1), and any State may become a Party (Art. 16(1)). See Amendments to the Convention and Operating Agreement relating to the International Mobile Satellite Organisation (INMARSAT), adopted by the 12th INMARSAT Assembly of Parties, 20-24 April 1998, Cm. 3995. A 'clean text' has not yet been officially published.

²⁶ As with IMSO, the new ITSO has two organs, an Assembly of Parties and an Executive Organ, headed by the Director General (Art. VIII). Any member of the UN or of the ITU may accede to the Agreement (Art. XVII). Each Party has one vote in the Assembly (Art. IX(g)). The Assembly is ordinarily to meet only every two years though an extraordinary meeting is possible (Art. IX (e)). The new

ITSO Convention is not yet publicly available.

²⁷ There is no right to lifeline connection. Applicants states have to be approved as qualifying. The 25h Assembly of Parties, which approved the new arrangements, was recommended to use the World Bank definition of 'low income' (GNP/Capita <US\$755), or a teledensity (defined by the ITU) of less than three in the year 1999. 62 applications were made for inclusion on the list, and the Board of Governors recommended 27, plus the UN. I have not seen the final decision but believe the recommendation was accepted.

²⁸ See 'International Law and New Global Private Satellite Telecommunications Systems', n. 21 above.

²⁹ H.A. Wassenbergh, cited above, n. 3.

³⁰ But cf. for example, C.G. Weeramantry, *The Lord's Prayer Bridge to a Better World: A Vision for Personal and Global Transformation*, (Liguori MI: Liguori/Triumph, 1998. See also materials cited in n. 1 above.