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A MODERN MODEL OF SPACE LAW CREATION: WHAT CAN COPUOS LEARN FROM THE ITU?

**Abstract**

More than half a century has passed since the entry into force of the Outer Space Treaty in 1967. While the United Nations successfully concluded four additional space treaties in the following decade, there has been a paucity of international space law since that time. At least, that is the commonly held view.

However, throughout this period, another United Nations specialized agency has been quietly churning out treaties addressing the use of space – multiple times each and every decade and most recently in 2019. The International Telecommunication Union (ITU), based in Geneva, Switzerland with 193 Member States and the active participation of several hundred “Sector Members” in a non-voting capacity, has forged a stable, regular, repeatable, and inclusive process to develop treaty-text, as well as a host of other non-treaty outputs, that continuously facilitate the introduction of new technologies as they develop; address the evolving needs of the world’s inhabitants for new services; and seek to preserve the sustainability of and ensure equitable access to shared radiofrequency spectrum and orbital resources.

The ITU’s longstanding history of successfully facilitating new space technologies is remarkable and offers an often overlooked model for other institutions with respect to successfully adopting new provisions of space law. This paper will examine how the ITU is able to successfully operate as an engine of space law creation and to identify potential areas where it might serve as a useful model for other multilateral legal endeavors related to space, such as the United Nations’ Committee on the Peaceful Use of Outer Space (COPUOS).