REDEFINING FREEDOM OF SPEECH UNDER INTERNATIONAL SPACE LAW: THE NEED FOR BILATERAL COMMUNICATIONS ALLIANCES TO RESOLVE THE DEBATE BETWEEN THE "FREE FLOW OF INFORMATION" AND "PRIOR CONSENT" SCHOOLS OF THOUGHT

Albert N. Delzeit

Robin M. Wahl

I. BREADTH OF THE PROBLEM .................................................. 267
II. BACKGROUND ON THE DBS DEBATE ................................ 269
III. ANALYSIS OF THE TWO SCHOOLS OF THOUGHT CONCERNING THE NEW WORLD INFORMATION ORDER ................................................................. 276
IV. CONCLUSION: TOWARD THE WIDESPREAD IMPLEMENTATION OF BILATERAL COMMUNICATIONS ALLIANCES ....................................... 280

I. BREADTH OF THE PROBLEM

The International Court of Justice (ICJ) has a dilemma. Imagine the Utopian States' positions a $236 million satellite system in the geosynchronous orbit to broadcast Utopian programming into Atlantis. Atlantis is outraged. Atlantis believes that Utopian programming not only destroys the cultural identity of Atlantis, but also advocates the overthrow of the Atlantian government. Despite protests by Atlantis, the Utopian States assert that international freedom of speech protects the broadcast. As
a result, the Utopian broadcasting continues. Under international law, who should win?'

Compelling policies support both sides of the issue. The Utopian States, and absolute freedom of speech proponents, e.g., Western Europe, Israel, contend that all nations benefit from the free exchange of ideas. This position advocates the elimination of program content control, opposes prior consent as a prerequisite for international broadcasts, and stresses an internationally recognized right to receive and impart information by any media and regardless of frontiers.\(^2\) Atlantis, and those opposing international free speech, such as China and Saudi Arabia, argue that transboundary satellite broadcasting destroys the preservation of national cultures. This position advocates the prior consent of the state which may be affected by the broadcast and emphasizes noninterference and principles of sovereignty.\(^3\)

The United Nations first started discussing direct satellite broadcasting (DBS)\(^4\) in the early 1960s, and has had an enormous amount of trouble achieving any sort of consensus over general principles.\(^5\) To persuade the ICJ, counsel for both sides have their work cut out for them because both views are highly problematic. Consider first, however, the background surrounding the DBS controversy, before we attempt to canvas its inherent flaws.

---


4. There are three types of broadcasting technically possible through satellites. The first is "point-to-point," involving an earth station which transmits a message to a satellite, which then rebroadcasts it to a single ground station. The second is "distribution-type broadcasting," involving community receivers. The third is "direct broadcast," in which the television signal is received directly into the television from the satellite. See CARL Q. CHRISTOL, THE MODERN INTERNATIONAL LAW OF OUTER SPACE 606 (1982).

5. Stephen Doyle, Regulating the Geostationary Orbit: ITU's WARC-ORB '85-88, 15 J. SPACE L. 1, 19 (1987). "There are deep philosophical differences over the role of the press and government in society. Whoever is right or wrong, few Third World leaders are prepared to accept the way Western correspondents feel they are obligated to report the news." MORT ROSENBLUM, COUPS AND EARTHQUAKES, REPORTING FOR THE WORLD FOR AMERICA 24 (1979).
II. BACKGROUND ON THE DBS DEBATE

Although DBS is the newest form of international communication, it is certainly not the first.\(^6\) The ideological conflict between both sides regarding the New World Information Order is arguably an extension of the terrestrial version of the debate.\(^7\) When telegraph lines first crossed international borders, they were considered more of an affront to state sovereignty than a development benefiting humanity in general. However, national fears eventually subsided, and the telegraph is now an accepted instrument for the promotion of peace.\(^8\)

It is undisputed that DBS transmissions resemble earth-based radio signals in that each disregard national frontiers.\(^9\) However, a DBS over the Pacific Ocean could beam a program from the west coast of the United States to a home television set in Indonesia.\(^10\) For the first time in human history, the New World Information Order makes it possible for a single broadcasting station to send a message around the globe without going through transmission stations or government sensors.\(^11\) Through a network of only three strategically located communications satellites, any point on the earth’s surface may be reached by DBS.\(^12\) Yet, despite the unprecedented

---


\(^7\) Francis J. Skrobliszewski, An Overview of the Problems, Perspectives and Developments in International Communications and Information Flow, in 1 ISSUES IN INTERNATIONAL INFORMATION: A WORKSHOP ON THE NEW WORLD INFORMATION ORDER AND OTHER KEY ISSUES 1(1981).

The term, "New World Information Order," refers to a debate underway in a number of international forums which encompasses a wide range of issues . . . . The core issues in the current debate over the merits of a New World Information Order are . . . related to similar considerations raised during previous periods of adjustment to revolutionary changes in technology and governmental attempts at controlling the flow of information to serve the sovereign’s objectives. What distinguishes the New World Information Order concept from earlier discussions of international organizations in which Third World nations predominate; the development of computer systems, satellite communications and other high-speed processing and transmission technologies; and the recognition of information as a scarce resource.

Id.


\(^12\) NANDASIR JASENTULIYANA & ROY S. LEE, MANUAL ON SPACE LAW 284 (1979).
ability of DBS transmissions to reach a greater number of people than ever before, the international community has reached little agreement on the issue of transboundary DBS transmissions in this era of information.

Proponents on either side of the dispute would at least acknowledge that the debate must concern the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space Including the Moon and Other Celestial Bodies (Outer Space Treaty). The New World Information Order obviously requires the use of satellites located in outer space. Therefore, direct broadcasting uses outer space, and as such, remains subject to the Outer Space Treaty's provisions and regulations. The United Nations General Assembly Resolution 1802 (1962) on Legal Principles and Resolution 1963 (1963), forerunners of the 1967 Outer Space Treaty, clearly manifest this recognition. It is further well-settled that the Outer Space Treaty represents the United Nations' most successful attempt at reaching a consensus on the law of outer space. The treaty establishes the following fundamental principles governing activities in outer

---


Technology has become a powerful component in contemporary life and social change. As the pace of technology quickens, our society is overwhelmed by technology's irresistible force. Why presume that states and sovereignty will remain unaffected? Once direct broadcasting opens new routes for television programming, accelerating the transfer of information and culture, international agreements or regulatory bodies will find it difficult to stem the flow of social change.

Id.


space: free use, sovereign equality of the states, prohibition of national appropriation, states’ responsibility, and common interest of all mankind.21

Article I of the Outer Space Treaty delineates the most important principle that outer space is free for the use of all states.22 Article II states that outer space cannot be nationally appropriated.23 These articles have been interpreted to mean that outer space can be used without seeking permission from other states or from any international organization. The use encompasses the right to operate communications satellites without seeking the permission of another government.24

Yet, these rights are clearly not absolute. For example, Article IV of the Outer Space Treaty declares that the space activities of a nation must be conducted with due regard to the corresponding interests of all states that are parties to the Treaty.25 Moreover, Article VI of the Treaty states that “parties to the treaty shall bear an international responsibility for national activities in outer space including the Moon and other celestial bodies.”26 Because the Outer Space Treaty fails to define or categorize what constitutes wrongful activities under Article VI, it remains possible for a state to bear liability for damages caused by broadcasts transmitted into another country without that country’s consent. This responsibility would also not be altered by an unintentional crossing of an unconsenting state’s boundaries by a transmission. Accordingly, it is clear that exclusive reliance on the Outer Space Treaty fails to resolve the debate over DBS transmissions under international space law given the above contradictions within the Outer Space Treaty’s own articles.

In the sphere of international relations, the issue of control over satellite programming content officially first arose in 1972, when the former Soviet Union publicly announced various types of programming that should be banned in the New World Information Order.27 Not surprisingly, the United States and its allies publicly responded by opposing all restrictions on content, preferring a resolution of any disputes through international

21. SIGNITZER, supra note 11, at 22.
23. Id. art. II.
25. Outer Space Treaty, supra note 15, art. IX.
26. Id. art. VI.
cooperation. Later that same year, a compromise solution was attempted, when the United Nations Educational, Scientific and Cultural Organization (UNESCO) issued its Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange (1972 UNESCO Declaration). The 1972 UNESCO Declaration listed four types of programming that would require varying degrees of prior consent: news, cultural broadcasts, education, and commercial advertising. However, UNESCO lacks any legal force to alter the New World information order. Consequently, the 1972 UNESCO Declaration failed to resolve the DBS controversy, and probably sharpened the rhetoric skills of both sides on the DBS debate.

The international debate on prior consent was also addressed within the bureaucracy of the International Telecommunications Union (ITU). The 1971 World Administrative Radio Conference (WARC) adopted a resolution on the issue stating in pertinent part that "in devising the characteristics of a space station in the broadcasting-satellite service, all technical means available shall be used to reduce, to the maximum extent practicable, the radiation over the territory of other countries unless an agreement has been previously reached with such countries." Some nations, stimulated by the prior consent school of thought, began to assert that the 1971 WARC resolution on spillover had conclusively established prior consent as a binding principle of international law.

However, such reliance was misplaced because as a technical organization the ITU is notorious for remaining concerned exclusively with

30. Id. arts. V, VI, VII, IX.
33. ITU administrative conferences are held either at the regional or the world level. A WARC can consider revisions in the ITU Radio Regulations. See DAVID LEIVE, INTERNATIONAL TELECOMMUNICATIONS AND INTERNATIONAL LAW: THE REGULATION OF THE RADIO SPECTRUM 19 (1970).
34. PAMELA L. MEREDITH & GEORGE S. ROBINSON, SPACE LAW: A CASE STUDY FOR THE PRACTITIONER IMPLEMENTING A TELECOMMUNICATIONS SATELLITE BUSINESS CONCEPT 176 n.86 (1979) (citing ITU Radio Regulations, art. 30, No. 2674 (WARC 79)).
control of the transmission, not the content, of the DBS signals. One commentator has remarked that the reason for ITU’s rigidly technical orientation is that “[t]he ITU is full of engineers terrified of controversy and terrified of the press.” More likely, the ITU’s political powerlessness is the result of the “black letter” regulations which govern its structure. The ITU is organized into four permanent bodies, among them is the International Frequency Board (IFRB). The IFRB is the ITU organ whose primary responsibility is to effect the orderly recording in the International Frequency Registration of national frequency assignments to geostationary (GSO), as well as non-geostationary satellites. Due to the fact that highly politicized issues, such as the content of DBS transmissions, are not specifically addressed within the IFRB’s inflexible and voluminous registration procedures, the IFRB (and ultimately the ITU) lacks constitutional authority to regulate the New World Information Order.

Given the powerlessness of both UNESCO and the ITU to directly influence the DBS controversy, the debates surrounding the New World Information Order finally resurfaced at the 1982 Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space. This conference produced many recommendations which the General Assembly

35. JASENTULIYANA & LEE, supra note 12, at 195, 200. The ITU has received promptings from many quarters to generate some structural and administrative reforms designed to furnish mechanisms for recognizing and absorbing political input. Currently, the ITU has developed neither the ability to deal with political or ideological concerns, nor the necessary administrative circuitry through which such conflicts could be channeled without crippling the ITU in its technical activities. MCPHAIL, supra note 31, at 131.


37. GERD D. WALLENSTEIN, INTERNATIONAL TELECOMMUNICATION AGREEMENTS 38 (1986); MEREDITH & ROBINSON, supra note 34, at 162; WHITE & WHITE, supra note 32, at 86.


39. WALLENSTEIN, supra note 37, at 38.

40. The weakness of the ITU’s regulatory regime was clearly exposed when the island of Tonga, which lacked even a military aviation program, nearly seized control over a sizable portion of the Pacific Rim Orbital Spectrum by simply following the ITU’s “black letter” technical requirements. See Albert N. Delzeit & Robert F. Beal, The Vulnerability of the Pacific Rim Orbital Spectrum Under International Space Law, 9 N.Y. INT’L L. REV. (forthcoming Winter 1996).

endorsed in December of 1982, most notably Resolution 37/92. Resolution 37/92 was adopted by the General Assembly, rather than the Committee on the Peaceful Uses of Outer Space (COPUOS), because COPUOS was unable to fashion an agreement on this highly politicized topic and left the task for the General Assembly to resolve.

In summary, Resolution 37/92 proclaims that states should have equal rights to conduct direct broadcasting activities, and encourages interstate cooperation. Resolution 37/92 further declares that international disputes arising from these activities should be settled through established procedures, and that states should bear international responsibility for their broadcasting activities. The Resolution also proclaims that states have a duty and right to consult and requires notification between broadcasting and receiving states. This duty also includes negotiating agreements between such states before establishing an international broadcasting service.

According to Resolution 37/29, the New World Information Order should be compatible with the sovereign rights of states, including the principle of non-intervention and the right to receive and impart information. The principles also provided for cooperation to protect neighboring rights, non-discriminatory access to technology, and the international dissemination of information on national activities through the Secretary General. Unfortunately, the nations disagreed on more issues than they agreed on. Thus, the Resolution was not adopted unanimously. After a heated debate, 107 countries voted in favor of the Resolution, 13 voted against it, and 13...
states abstained. The large opposition and abstention numbers are significant, as well as which countries opposed the Resolution or abstained from voting.

The United States and most Western states voted against or abstained from voting on the Resolution. This abstention is relevant because these nations possessed the capability to broadcast from the GSO, whereas most of the nations who voted in favor of the Resolution did not. The lack of unanimity among nations, and the lack of support from the space-faring nations, causes it to remain unclear whether Resolution 37/92 evidences customary law. This is especially so in light of the fact that it is well-settled international law that, "[i]n considering whether the element of general and consistent practice of States is satisfied for there to be a rule of customary international law, the participation of the States whose interests are specifically affect is of paramount importance rather than the mere numbers involved." Thus, Resolution 37/92 cannot be cited as an authoritative document on the DBS controversy.

Resolution 37/92 does demonstrate, however, the difficulties of fashioning a solid international agreement on the debate between those countries advocating prior consent, and those countries refusing to accept restrictions on DBS communications. Although Resolution 37/92 permits nations to utilize their right to refuse broadcasting services as a method of censoring programs, there is no express prohibition on certain program content. Resolution 37/92 also fails to classify broadcasts sent without prior consultation as being illegal. Finally, Resolution 37/92 urges states to resolve their disputes without resorting to violence, but fails to address the recourse that states might have against unwanted transmissions.

The above background demonstrates that the controversy over the New World Information Order is clearly not resolved. Accordingly, the next section of this article addresses the arguments supporting the "free flow

50. CHRISTOL, supra note 4, at 154-55.

51. The following thirteen countries voted against the Resolution: Belgium, Denmark, the Federal Republic of Germany, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Spain, the United Kingdom, and the United States. The following thirteen countries abstained: Australia, Austria, Canada, Finland, France, Greece, Ireland, Lebanon, Malawi, Morocco, New Zealand, Portugal, and Sweden. CARL Q. CHRISTOL, SPACE LAW: PAST, PRESENT, AND FUTURE 116 n.6 (1991).

52. Developing countries and the Socialist Bloc were the key supporters of the Resolution. Id.


of information" and "prior consent" schools of thought which emerged during the above debates. The weaknesses of both philosophies will be exposed, and an attempt will be made to resolve them by advocating widespread adherence to regional, bilateral communication alliances.

III. ANALYSIS OF THE TWO SCHOOLS OF THOUGHT CONCERNING THE NEW WORLD INFORMATION ORDER.

The so-called "free flow of information" school of thought deems the freedom of both information and expression as fundamental human rights which are universal, and thus should be respected internationally. This position claims to derive its authority from the United Nations Charter itself, which expressly proclaims that one of the purposes of the United Nations is to promote and encourage human rights. This position also claims to arise from the Universal Declaration of Human Rights, which is a natural extension of the principles laid down by the United Nations Charter.

Article 19 of the Human Rights Declaration proclaims that everyone "has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, to receive, and to impart information and ideas through any media and regardless of frontiers."

Understanding the concept of the free flow of information requires the understanding that the "free market of ideas" concept is based on the basic principle of peace and has been established in international law as "considerations of humanity." Considerations of humanity are related to human values that are already protected and established by general principles of law. Every treaty, agreement, convention, or resolution begins with the ideal of peace. Therefore, proponents argue that the free flow of information should be readily adopted by nations striving to achieve peace.

The fantastic technical capacity of DBS has admittedly created unprecedented opportunities to promote world peace and understanding, to supplement the education of people located in remote areas, to disseminate

56. U.N. CHARTER, art. 1, para. 3.
58. Id. art. 19.
60. Id. Under this view, it could be asserted that the ICJ has recognized faintly the free flow of information as a basic principle of international law. In the Case Concerning the Corfu Channel, the High Court relied on "general well-recognized principles" in deciding that Albania had a duty to warn of the presence of mines in Albanian waters. Corfu Channel Case (U.K. v. Alb.), 1949 I.C.J. 1, 4 (Apr. 9).
news of impending disasters, and to present cultural events. The United Nations working group on direct broadcasting has stated that DBS holds the "promise of unprecedented progress in communications and understanding between peoples and cultures." Yet, the above view remains simplistic, given the fact that if past is prologue, DBS technology could also be used for commercial exploitation and cultural imperialism, if all nations followed the free flow philosophy. Hence, most documents reflect that the freedom to impart information without interference is not absolute. Most documents restrict this right to the extent that its exercise disturbs the public order. These instruments were never intended to vest a country with the right to disregard the fundamental principle of state sovereignty. Proponents of the free flow school thus cannot ignore these restrictive provisions, in light of the undisputed fact that the entire content of a treaty or document must be given effect. Giving the entire document effect results from the presumption that the drafters obviously intended the entire document should have meaning.

When they are read in their entirety, the Outer Space Treaty, United Nations Charter, and Universal Declaration of Human Rights protect the

64. Moreover, proponents of the free flow philosophy also fail to consider a relevant question: Has the free flow of information ever existed? As Professor McPhail notes:
Initially, custom laws, tariffs, visas, telecommunications regulations, preferential rates, and availability of transatlantic cable had an impact on early international dispatches. Reuters tried to block competing wire services, particularly American ones; so also have other competitive and commercial pressures affected news flow from the beginning. Currently, the major national supporters of the free flow philosophy are governments responding to pressures from multinational corporate interests, ranging from American Express to Xerox, to protect or extend their corporate, and not necessarily national, interests. What is good for IBM World Trade, for example in selling computer systems to the USSR, is not necessarily good for the national, or indeed international, interests of the United States. Yet some individuals and firms are holding tenaciously to the old information order. McPHAIL, supra note 31, at 33.
national sovereignty of the receiving state. The preamble of the Outer Space Treaty condemns the use of any propaganda "designed or likely to provoke or encourage any threat to the peace." In a similar vein, Article 2 of the United Nations Charter requires that member states should respect the principle of sovereignty and refrain from the threat or use of force against the "territorial integrity or political independence of any state." The same international documents thus simultaneously embody both the idea of "free flow of information" and the principle of "sovereignty of state."

The restrictions on freedom of speech are understandable, given that the sovereignty of state forms an undisputed component principle of general international law. It is universally recognized that a state possesses the sovereign right to regulate all activities within its jurisdiction. The so-called "prior consent" school of thought is therefore correct in asserting that a nation's sovereign prerogative includes the exclusive right to regulate sources of information that come within its domestic jurisdiction, and to determine for itself what information may be supplied to its citizens.

The exercise of this right is important because DBS has generally developed as a government, rather than a private, service. The unregulated use of DBS could pose a substantial threat to a state's ability to determine the character of its television system. It is conceivable that the New World

69. U.N. CHARTER art. 2.
70. "Neither of these concepts, state sovereignty and freedom of information represents an absolute, static, indivisible reality." E. Plowman, Satellite Broadcasting, National Sovereignty, and Free Flow of Information, in NATIONAL SOVEREIGNTY & INTERNATIONAL COMMUNICATION 162 (Kaarle Nordenstreng & Herbert Schiller eds., 1979).
71. The principle of state sovereignty is one of the oldest principles in general international law. It dates back to about 3000 B.C., when the seafaring nations in the Mediterranean area started to discover foreign territories, and, consequently, the need for a clear delimitation of those territories arose. First, only land areas and the adjacent coastal seas were involved, but later natural resources intimately connected with the territory, such as crop harvests and mineral resources, were included in the sovereignty concept. BENKO ET AL., supra note 15, at 2. See U.N. CHARTER art. 2; G.A. Res. 2158, U.N. GAOR, 21st Sess., Supp. No. 16, at 29, U.N. Doc. A/6316 (1966); G.A. Res. 1803, U.N. GAOR, 17th Sess., 1194th plen. mtg., Supp. No. 17, at 15, U.N. Doc. A/5217 (1962).
74. QUEENEY, supra note 31, at 48.
75. Id. at 35, 43; see also Powell, supra note 72, at 13-14.
76. Direct Satellite Broadcasting and the First Amendment, supra note 63, at 515.
Information Order can be used to incite hatred or dissatisfaction by raising socio-economic expectations. DBS can also be used to erode the cultural independence of a country by an uninterrupted flow of television programs from foreign sources. National values and tradition could be replaced by super-power domination. A one-way flow of information could thus be used to the destruction of a government in the absence of an international regulatory system.

The primary objective of the prior consent philosophy is that information and communication represent a social good, a cultural value, and each country should have a right of self-determination in this field. The 1972 UNESCO Declaration clearly supported this position: "[I]t is necessary that states, taking into account the principle of freedom of information, reach or promote prior agreements concerning direct satellite broadcasting to the population of countries other than the country of origin of the transmission." Moreover, United Nations Resolution 37/92 as adopted, requires prior consultation in conformance with relevant ITU instruments and DTBS principles.

The major problem with the prior consent view is that it greatly overemphasizes the notion of "negative" territorial sovereignty, which is based on the exclusion of the activities of other states. This negative view of territorial sovereignty fails to recognize that self-determination of a state entails not only a right to remain free from foreign interference, but also certain human rights of its citizens. A state cannot enjoy exclusive rights
within its own territory under international law without assuming corresponding obligations for its own populace. Accordingly, the concept of territorial sovereignty does not extend nearly as far as the prior consent philosophy. The exclusive right of government censorship cannot be used to narrow political motivations or reduce the accuracy of broadcasting. As Ram Jakhu and Ramesh Singal note:

Satellite technology is still in its developmental stages and the possibility of it becoming an instrument of truly educational nature should not be allowed to pass us by either for petty economic profits, or for foolish desire for cloning other cultures in our own image. It should be made an instrument for facilitating our growth as 'intelligent' beings and better contributors towards [sic] the collective human existence.

The strict adherence to the prior consent philosophy hinders the collective human existence because prior consent would permit one state in a region absolute veto power over DBS. Such unfettered veto power would prove to be potentially disastrous in less developed nations where technical and medical skills are often imported by the New World Information Order.

IV. CONCLUSION: TOWARD THE WIDESPREAD IMPLEMENTATION OF BILATERAL COMMUNICATIONS ALLIANCES

There are differing conceptions of the function of DBS. On one hand there is the view that DBS can serve the state through direct influence on their audiences. On the other hand is the opinion that the use of the New World Information Order must be as separate as possible from the state and that those using DBS must fully inform the public of their own responsibility so that citizens might be in the best position to help direct the

84. Id. at 5. "Since international law regulates the behavior between members of society of nations there must necessarily exist some rules, based on reciprocity, which restrain the power of the state within its own territory in the interest of the community." Id.


states' affairs through democratic processes. The current tension between the free flow of information and prior consent philosophies seems somewhat antique, given the recent passing of the Cold War and the corresponding shift from bipolar superpower relations to multipolar international relations.

A third, yet neglected stance, perceives the debate as more than a question of differences between two schools of thought. Is information a mere commercial good calling for deregulation, or is information a social good, a cultural value, calling for a regulation framework of public services? The bilateral agreement view calls for a middle-ground approach to the resolution of the so-called New World information order issue. This position accepts as undisputed the prior consent belief that every state has the right to regulate all DBS transmissions within its borders. However, this position also rejects a rigidly implemented content code derived from the notion of "negative" territorial sovereignty, which overemphasizes the exclusion of other states from a nation's borders.

Instead, there needs to be dynamic localized content guidelines in the form of regional arrangements between nations which share a cultural homogeneity. The use of localized content guidelines would insure that all recipient states participate in the production of imported programming. Moreover, such organizations would emphasize cooperation over dominance and provide transnational methods to pool resources so that more countries could become involved in the New World Information Order. A step in

90. Id.

91. See Manfred A. Dauses, Direct Television Broadcasting By Satellites and Freedom of Information, 3 J. SPACE L. 59 (1975). Because the Cold War's rigid framework strongly discouraged multi-nationalism, it was previously difficult to formulate bilateral agreements for collective action.

The Cold War was nothing but a conflict between two extreme versions of progressivism-socialism and neoclassical capitalism. The Cold War was nothing but another civil war within the West or, more precisely, within the Western ideology of progressivism. The demise of socialism and the end of the Cold War released the world from a Western civil war over differing versions of progressivism to confront the more fundamental issues of environmental pollution and the peaceful coexistence of different civilizations. The 21st century will be an age in which multiple civilizations compete, interact, coexist, and confront the need to admit the rights of nature.


92. Dauses, supra note 91, at 64.

93. Hagelin, supra note 14, at 269.

94. Such agreements would help further the Common Heritage of Mankind principle, which has its antecedents in the Res Communis principle. It calls for free access to space environment areas and resources subject to the duty on the part of the states engaged in such conduct and to share resulting benefits with those other states which do not possess exploitative capabilities. CHRISTOL, supra note 51, at 291.
this direction has already occurred with the July 15, 1976 formation of the Arab Satellite Communications System (ARABSAT). ARABSAT consists of twenty Arab nations and the Palestine Liberation Organization (PLO), and was chartered to provide telecommunications services for the Arabic-speaking countries. ARABSAT was likewise envisioned to encourage the establishment of industries necessary for supplying telecommunications installations to the Arab States.

Similar regional alliances in the Americas, Asia, and Africa, encouraged on the basis of mutual respect, would not only allow significantly cheaper access to the New World Information Order, they would also benefit all participants with each other's individual experience. In a world that is increasingly interdependent since the Cold War, the next step beyond regional alliances could be intercontinental, multilateral alliances between the developed and lesser developed regions. These alliances could become the precursor of the pure educational exchange and enrichment between the cultures, as envisioned in the United Nations Charter.

95. Membership is limited to participants in the League of Arab States. NATHAN C. GOLDMAN, AMERICAN SPACE LAW: INTERNATIONAL AND DOMESTIC 62-63 (1988).

96. Id.