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International law and regulation of aeronautical public correspondence by satellite

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Postulates

- 1) A distinct international legal regime applicable to the non-safety aeronautical aspects of mobile-satellite services should be created, similar in scope and effect to those applicable to land-mobile satellite services and maritime mobile-satellite services.
- 2) A new binding multilateral Agreement whilst guaranteeing the safety of flight should incorporate technical considerations on aeronautical terminal equipment certification, and commercial interoperability standards applicable to consumer devices, by mutual recognition between States.
- 3) The recommended solution must address and cater for institutional arrangements with due consideration for the global CNS/ATM, and the role of the ITU.
- 4) The recommended solution must be framed in such a way that its policy objectives would, on the one hand, be fulfilled irrespective of how the future unfolds and, on the other hand, come under constant review to ensure that they are still appropriate in the light of changed circumstances, whatever they may be.
- 5) The use of Portable Electronic Devices on-board aircraft, capable of compromising the safe and efficient conduct of flight, which may result in alarmed passengers, justifies the need to be able to claim compensation for mental distress.
- 6) States should develop legal, institutional, policy and regulatory frameworks suitable for the emerging convergent environment.
- 7) States should consider enhancing the level field of competition, efficient regulatory institutions and transparent legal and policy frameworks so as to attract investors in the sector.
- 8) States should consider adopting technology and services neutrality as the most appropriate regulatory framework in the convergent environment. This implies a more horizontal approach to regulation with a homogenous treatment of all transport network infrastructure and associated services, irrespective of the nature of the services carried.
- 9) Considering that non-State Actors such as satellite operators and/or service providers and equipment manufacturers are responsible for obtaining required equipment certifications approvals through national type approval procedures, approvals can be recognized by third States through mutual recognition agreements. Therefore Multilateral co-operation, underscored by the proposed instrument, must involve States as well as non-State Actors.
- 10) The pen is believed to be mightier than the sword and power is said to flow from the barrel of a gun. Though the nucleus of an atom may release untold energy, the ultimate weapon is the mind.
- 11) If there is nothing new under the sun, all of humanity's inventions are an expression of the obvious.
- 12) Paint all six sides of a cube the same colour and it will remain upside down.
- 13) The relationship between creativity, intelligence and insanity is more than casual.