

Outer space

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COPUOS. Geostationary orbit. Australian views.

Following is a statement made by the Australian delegate at the 16th Session of the Legal Sub-Committee of COPUOS on 6 April 1976:⁵²

My delegation should like to make a brief statement about the issue raised by the distinguished representatives of some equatorial States earlier during this session, namely, the claim of some equatorial States that the geostationary orbit is an integral part of the sovereign territory of such States.

Many delegations will be aware of the position stated by the Australian delegation at the recent ITU meeting, namely that the geostationary orbit is within outer space and its use is governed by the provisions of the 1967 Treaty on Outer Space.

My delegation has studied closely the Bogota Declaration. In that declaration, my delegation discerned two important issues.

Firstly, the claim that the geostationary orbit is an integral part of sovereign territory, and

Secondly, the point that since developing States do not have the same financial and technical resources as the great powers, developing States do not, therefore, have the same capacity to utilize the geostationary orbit as do some states.

Mr Chairman, my delegation understands the concerns underlying this second point. One of the fundamental issues facing the international community is the question of the need to bring about the transfer of resources and technology from the developed to the developing world. For this reason, in recognition of the importance of these issues, Australia, for example, signed the Charter on the Economic Rights and Duties of States.

But it is the proposition that the geostationary orbit has certain characteristics enabling it to be regarded as part of sovereign territory about which my delegation wishes to direct the bulk of its remarks.

Mr Chairman, the Bogota declaration states:

'Geostationary synchronous orbit is a physical fact linked to the reality of our planet because its existence depends exclusively on its relation to the gravitational phenomena generated by the earth and that is why it must not be considered part of Outer Space. Therefore the segments of geostationary synchronous orbit are part of the territory over which equatorial States exercise their national sovereignty.'

Mr Chairman, the inference to be drawn from this statement, though it is not elaborated at length, is that the characteristics of geosta-

52. Text supplied by the Department of Foreign Affairs, Canberra.

tionary orbit in segments above the territory of equatorial states to a predominate extent derive their properties from the physical attributes of gravitational phenomenon of those parts of the earth.

My delegation cannot agree with the definitions of geostationary orbit implicit in the Bogota declaration to the extent that it does not reflect the laws of nature.

In the first place, no orbit depends *exclusively* on its relation to gravitational phenomena generated by earth. Orbital motion results from a combination of the translational velocity of the object (the linear motion of the object in the absence of other forces) with the force of gravitational attraction; thus the gravitational phenomena generated by earth is a characteristic of all orbital motion. The only respect in which an equatorial geostationary orbit differs from other orbits is that these forces are balanced to produce a rotational velocity which matches that of the earth itself; thus a satellite occupying this orbit appears to remain stationary over this point of earth.

In the second place, the gravitational phenomena are exerted not by any particular state but by the earth as a whole; if such phenomena are seen as an extension of earth territory they cannot be related only to those segments of earth in which the equator happens to traverse the national territory of certain States.

My delegation does not regard as scientific the assertion that the geostationary orbit is an integral part of sovereign territory. Although the geostationary orbit may be described as a natural resource it is in our view not one over which any State has national sovereignty.

The geostationary orbit is within outer space and its use is governed, in my government's view, by the provisions of the 1967 Treaty on Outer Space.

Additionally, Mr Chairman, my delegation should like to draw to the attention of other delegations the provisions of paragraph 131 of Article 33 of the International Telecommunication Convention:

'In using frequency bands for space radio services, Members shall bear in mind that radio frequencies and the geostationary satellite orbit are limited natural resources, that they must be used efficiently and economically so that countries or groups of countries may have equitable access to both in conformity with the provisions of the Radio Regulations according to their needs and the technical facilities at their disposal.'