

Please check against delivery



Intervention made by

the Delegation of the Republic of Indonesia

**on the Agenda Item 6b : Matters relating to the character
and utilization of the geostationary orbit, including
consideration of ways and means to ensure the rational
and equitable use of the geostationary orbit without
prejudice to the role of the International
Telecommunication Union**

**at the 60th Session of Legal Subcommittee of the United
Nations Committee on the Peaceful Uses of Outer Space**

Vienna, 31 May – 11 June 2021

Madam Chair and Distinguished Delegates,

The Indonesian delegation notes that there are some problems in relation with the utilization of GSO as a limited natural resource, among others limited frequencies and the amount of coordination needed with the affected satellite networks, especially in adjacent positions, which make things difficult for newcomers to get access to this orbit spectrum resource. These problems reveal inequalities, inefficiencies, and bureaucratic congestion in the utilization of the GSO which become a disadvantage for securing access for all countries, including developing countries, countries with a specific geographical situation, equatorial countries as well as newcomers.

We would like to recall that, pursuant to the Space Treaty 1967, Geostationary Orbit is a part of outer space and considered as a limited natural resource having certain characteristics and conditions, possessing strategic and economic value for the countries that use it. It therefore should be utilized in a rational, balanced, efficient, and equitable manner. The exploitation of GSO without considering those principles will risk saturation.

Considering such a situation, we should consider GSO as a specific area and special part of outer space which need specific technical and legal governance as well. Indonesian delegation, therefore, is of the view that the utilization of GSO need to be regulated by a sui generis regime.

Our delegation would like to propose that the sui generis regime should elaborate of certain principles legal concerning the utilization of GSO, such as equitable access, freedom of use, non-appropriation and exclusively peaceful uses. The elaboration of the legal reflects a comprehensive legal regime which would further be implemented in the form of technical regulation in the framework of the ITU. Thus, such legal principles are complementary and support the works of the ITU.

A comprehensive legal regime as an elaboration of a Sui generis regime governing the utilization of GSO would serve to attain the following objectives:

1. To ensure equitable access for all countries, particularly developing countries and countries with a specific geographical situation and the new comers;
2. To ensure fair and orderly utilization;
3. To guarantee sustainable utilization;
4. To protect the rights of legitimate users;
5. To ensure rational and efficient use;
6. To improve regulations on procedures of access;
7. To prevent the abuse of registration procedures and acquired rights;
8. To prevent harmful interference among users.

Madam Chair,

With regard to the principle of equitable access, Indonesia is of the view that the principle of equitable access is defined as proportional and non-excessive use in accordance with real needs; non-discriminatory; taking into account specific conditions of countries (such as geographic conditions, needs, etc.).

The criteria to elaborate the principle of equitable access include:

1. The balanced needs between the first user and subsequent users.
2. The ability to get access (both technically and financially).
3. Taking into account the interests of developing countries.
4. Taking into account the geographical situation of particular countries.
5. In line with developments in the field of space science and technology and its applications.
6. Applied on a non-discriminatory basis to guarantee future access.

The legal parameters of equitable access can be described as follows:

1. To provide an opportunity to the first user without preventing the same opportunity (on non-permanent basis) to subsequent users such as developing countries and countries with a specific geographical situation.
2. Based on proportionality and non-excessive use based on the actual needs of each country.

3. On a non-discriminatory basis.
4. Taking into account the specific conditions of individual countries (geographical situation, financial condition, technical capabilities, needs, etc).

In the context of the utilization of GSO, the freedom of use principle shall be implemented to guarantee that the first user of an orbit/spectrum resource may not utilize GSO on a permanent basis; and it may not occupy a certain slot of GSO on an exclusive basis. Also, it may not violate the legitimate rights of other users; it may not prevent subsequent users from getting access to GSO, or create environmental harm to the GSO.

On the interpretation of the Non-Appropriation principle, Indonesia views that the non-appropriation principle was adopted to implement the freedom of use doctrine, because quite simply, appropriation of a resource by a single State would usually be inconsistent with the freedom of use by all States. Since GSO is a limited natural resource, appropriation shall be considered as exercising exclusive use with a sense of permanence. Appropriation of orbit/spectrum resource in GSO, therefore, is the exercise of exclusive control or exclusive use of GSO on a permanent basis.

Madam Chair,

In the context of the utilization of GSO, Indonesia is of the view that the principle of "exclusively for peaceful purposes" shall mean: non-aggressive; not utilizing a GSO which may cause environmental harm; guarantee sustainable utilization of GSO.

In this context, my delegation would like to propose that UNCOPUOS continue the efforts to urge, to discuss with, and to provide recommendations to the ITU in order to take into consideration the special needs of the above-mentioned countries concerned.

Madam Chair,

It is therefore our view that the explanation of the above legal principles may be referred to as a consideration for future discourse and technical regulation in the ITU.

It is my delegation's view that the utilization of satellites will play an important role in achieving the Sustainable Development Goals (SDGs).

Finally, we believe that it is necessary to keep this issue on the agenda of the Legal Sub Committee and to explore further recommendations to the ITU to take into consideration the special needs of the above-mentioned countries concerned, bearing in mind that satellite applications for communications provide indispensable tools to contribute more effectively to efforts to promote the development of all countries.

Thank you, Madam Chair.