

4. Treaty of 1967

The Treaty of 1967 on "The Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies", signed on 27 January, 1967, cannot be considered as a final answer to the problem of the exploration and use of outer space, even less when the international community is questioning all the terms of international law which were elaborated when the developing countries could not count on adequate scientific advice and were thus not able to observe and evaluate the omissions, contradictions and consequences of the proposals which were prepared with great ability by the industrialized powers for their own benefit.

There is no valid or satisfactory definition of outer space which may be advanced to support the argument that the geostationary orbit is included in the outer space. The legal affairs sub-commission which is dependent on the United Nations Commission on the Use of Outer Space for Peaceful Purposes, has been working for a long time on a definition of outer space, however, to date, there has been no agreement in this respect.

Therefore, it is imperative to elaborate a juridical definition of outer space, without which the implementation of the Treaty of 1967 is only a way to give recognition to the presence of the states that are already using the geostationary orbit. Under the name of a so-called non-national appropriation, what was actually developed was technological partition of the orbit, which is simply a national appropriation, and this must be denounced by the equatorial countries. The experiences observed up to the present and the development foreseeable for the coming years bring to light the obvious omissions of the Treaty of 1967 which force the equatorial states to claim the exclusion of the geostationary orbit.

The lack of definition of outer space in the Treaty of 1967, which has already been referred to, implies that Article II should not apply to geostationary orbit and therefore does not affect the right of the equatorial states that have already ratified the Treaty.

5. Diplomatic and Political Action

While Article 2 of the aforementioned Treaty does not establish an express exception regarding the synchronous geostationary orbit, as an integral element of the territory of equatorial states, the countries that have not ratified the Treaty should refrain from undertaking any procedure that allows the enforcement of provisions whose juridical omission has already been denounced.