

# **A Proposal for a New Tool for Space Governance: An International Code of Conduct for Outer Space Activities**

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## **Presentation Overview**

1. Origins of the Idea
2. Current Draft
3. Process
4. State of Play

## 1. Origins of the Idea

- Initiated in 2007 in response to UN Secretary General's call for concrete proposals outer space activities TCBMs
- Proposal for a voluntary, non-legally binding document
- Draft Code of Conduct that was formally presented to the international community in Vienna in June 2012
- EU held three rounds of global Open-Ended Consultations (OEC) on the draft text with total participation of over 95 UN Member States:
  - May 2013 in Kiev
  - November 2013 in Bangkok
  - May 2014 in Luxembourg

## 2. Current Draft

### "Preamble:"

- Clearly states the purpose of the Code:  
*"In order to safeguard the continued peaceful and sustainable use of outer space for current and future generations, and in a spirit of greater international cooperation, collaboration, openness and transparency;"*
- Recognises the role of space in social, economic, scientific and technological development of all nations, and in management of global issues
- Notes that both space- and non-spacefaring nations should work toward strengthening of international cooperation relating to space activities
- Recalls the increasing importance of space TCBMs due to growing use of space and proliferation of space debris, among other challenges
- Is without prejudice to work in other international fora (e.g. UNCOPUOS, CD, etc.)

## 2. Current Draft

### "I. Purpose, Scope and General Principles:"

- States the purpose/scope of the Code:
  - to address broader issues of safety, security and sustainability of outer space
  - to address space activities involving all space objects launched into Earth orbit and beyond
  - to establish TCBM and to complement international legal framework regulating outer space activities
- Delineates general principle of conducting space activities in accordance with international law and obligations and related responsibilities

## 2. Current Draft

### "II. Safety, Security and Sustainability of Outer Space Activities:"

- Addresses space debris and related issues, consistent with fundamental principles of the UNCOPUOS Space Debris Mitigation Guidelines:
  - Refraining from any action causing damage or destruction of space objects (and minimising debris creation should exceptional circumstances defined in the Code occur)
  - Minimising the risk of collisions
  - Improving adherence to, and implementation of, the ITU regime
  - Minimising debris creation, and mitigating its impact in space, in conduct of normal operations
  - Resolving to implement UNCOPUOS Space Debris Mitigation Guidelines (endorsed in 2007 by UNGA Resolution 62/217)

## 2. Current Draft

### "III. Cooperation Mechanisms:"

#### *Notification of Outer Space Activities:*

- Proposes notification of:
  - scheduled manoeuvres;
  - predicted conjunctions posing an apparent on-orbit collision risk;
  - pre-notification of launch of space objects;
  - collisions, break-ups and any other object destruction;
  - predicted high-risk re-entry events;
  - malfunctioning of space objects or loss of control over them
  
- Notification are to be provided:
  - through the Central Point of Contact;
  - through diplomatic channels;
  - by any other mutually agreed-upon method

## 2. Current Draft

### "III. Cooperation Mechanisms:"

#### *Information on Outer Space Activities:*

- Proposes annual sharing of information on: space strategies and policies; major outer space research and applications programmes; space policies and procedures related to accidents, collisions, other forms of harmful interference, debris creation and efforts to promote regulatory instruments on space activities
- Suggests sharing of SSA-related information
- Proposes international cooperation supporting the needs of developing countries
- Suggests confidence-building activities (e.g. expert visits, dialogues, etc.)

#### *Consultation Mechanism:*

- Proposes consultation mechanism for cases when Subscribing State(s) may be directly affected by certain space activities, or should it/they believe that those activities are, or may be, contrary to this Code
- Creates a possibility of voluntary, independent, ad hoc missions to analyse specific incidents affecting space objects

## 2. Current Draft

### "IV. Organisational Aspects"

- Proposes annual "Meeting of Subscribing States"
  - to review the implementation of the Code
  - modify the Code
  - to discuss additional measures
  - to establish procedures regarding the exchange of notifications and information
  - to elect the Chair
  - enables additional meetings if decided by consensus
  - decisions at the meetings are to be taken by consensus of Subscribing States present
- Specifies the tasks of the "Central Point of Contact":
  - to receive and communicate notifications of subscriptions; communicate information; serve as secretariat at the Meetings of Subscribing States; maintain an electronic database and communication system; exercise organisational functions relating to confidence-building activities
- Outlines participation by Regional Integration Organisations and International Intergovernmental Organisations

### 3. Process

- Current status after the three rounds of Open-ended Consultations:
  - continued broad international interest in the initiative;
  - expressed desire to move the process to the next phase - negotiations
  - draft Code developed in the consultative process could serve as the basis for such negotiations
- Initiative has obtained significant UN recognition, including through the consensus July 2013 report by the Group of Governmental Experts (GGE) on Outer Space Transparency and Confidence-Building Measures in Outer Space Activities, endorsed by the UN General Assembly at its 68th session
  - noted the EU's proposal for an International Code of Conduct for Outer Space Activities
  - endorsed efforts to pursue political commitments including a multilateral Code of Conduct to encourage responsible actions in, and the peaceful use of, outer space

## 4. State of Play

- Exchange of letters between the EU High Representative for Foreign and Security Policy and the UN Secretary General
- Reporting on progress, move from consultations to negotiations
- Multilateral negotiations would be consistent with the conclusions and recommendations by the UN Group of Governmental Experts
- Need for States to work together with a sense of urgency in order to keep Outer Space free from conflict and to make it safe, secure, and sustainable in the long term for the benefit of all humankind
- New EU Council Decision just adopted (10 February 2015)
- EEAS currently preparing its implementation

**Thank you for your kind attention!**