

DRAFT INTERNATIONAL CODE OF CONDUCT FOR OUTER SPACE ACTIVITIES FACT SHEET



Updated May 2013

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The proposed Draft International Code of Conduct for Outer Space Activities is a non-legally binding, voluntary international instrument aimed at building norms of responsible behavior in space activities.

History and Background

The Space Code of Conduct initially stemmed from a document agreed to within and put forth by the European Union (EU) under the French Presidency. The Lisbon Treaty of 2009 empowered the EU to engage in foreign and security policy making, enabling it to engage in such an exercise.¹ EU Member States authored the first draft of the Code in 2007 and 2008, agreed to it within EU structures in June 2008, and officially released its Draft Code of Conduct for Outer Space Activities to the international community later that year.² Feedback on this draft was solicited from countries outside Europe, resulting in two revised versions, published on 27 September 2010 and 5 June 2012.³

Purpose, Content and Process⁴

The EU's Draft International Code of Conduct for Outer Space Activities aims to establish voluntary "rules of the road" for the increasingly important space domain, which is intended for peaceful use and accessible to all nations. Space systems and activities are vital to national and international security and underpin daily activities necessary for our economies to function. These essential services are threatened by the growth of orbital debris, crowding in critical orbits and the radiofrequency spectrum, and lack of agreement about the elements of responsible behavior in space. In order to effectively address these threats, internationally negotiated best practices should be clearly spelled out in order to prevent mishaps and misunderstanding. Development of norms of behavior is a critical element of the Pentagon's National Security Space Strategy for preventing and deterring aggression against space infrastructure essential to U.S. national security.

The current Draft Code of Conduct lists as its main purposes:

- Enhancing the security, safety and sustainability of all outer space activities,
- Endorsing best practices,
- And supporting existing international space law, such as the Outer Space Treaty (OST) of 1967.

It includes the following guiding principles:

- Freedom of access to space for peaceful purposes without interference and with respect for the long term sustainability and safe conduct of space activities,
- The inherent right of all States to collective and individual self-defense,
- The responsibility of States to avoid harmful interference in space,
- And, the responsibility of all States, in their pursuit of space activities, to promote peaceful uses and avoid conflict in space.

The Draft Code of Conduct proposes measures on space operations and mitigation of debris, cooperative mechanisms, and organizational aspects for all signatories. These measures focus on minimizing accidents in space, refraining from deliberate destruction of spacecraft unless in self-defense or to mitigate debris, minimizing debris creation and collision risks at all times, making progress toward implementation of International Telecommunications Union regulations, promoting space safety and sustainability, pursuing strategic stability, implementing the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) Debris Mitigation Guidelines, and promoting relevant space guidelines in appropriate international fora. The Code also lays out mechanisms for cooperation including notification of launch and risky re-entry, notification of maneuvers or collisions to those affected, sharing policies when appropriate, and avenues for consultation and investigation. Finally, the Code proposes the establishment of biennial meetings, consensus decision making, and a central point of contact and database for managing information.

Response and Current Status

The EU's draft Code of Conduct received mixed reactions in the international community. Several emerging space powers expressed concerns about not being involved in the process from the outset. Substantive issues with the current draft of the Code center on its vague terminology and lack of definitions, the degree to which it is politically binding, concerns that it would limit freedom of action in space for military and intelligence activities, and suspicion that it is "arms control in disguise."

After an extensive interagency review within the U.S. government and a Joint Staff assessment that the Code could limit space operations, the United States announced in January 2012 that it would not sign the current EU draft. Rather, the United States announced it would join with foreign partners in developing an International Code of Conduct for Outer Space Activities, using the EU draft as a foundation. Other nations, such as Japan and Australia, have made similar declarations. A series of international expert meetings, open to all interested States, will focus on developing a voluntary, non-binding Code of Conduct acceptable to as many nations as possible. The first of these meetings was held in Vienna, Austria, in early June 2012 and the second in Kiev, Ukraine, in mid-May 2013.

Endnotes

1. "Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community," European Union (December 13, 2007).
2. Wolfgang Rathgeber, Nina-Louise Remuss, and Kai-Uwe Schrogl, "Space Security and the European Code of Conduct for Outer Space Activities," *Disarmament Forum* (No. 4, 2009). 33-41.
3. European External Action Service, "Outer Space Activities," EEAS website, online: http://eeas.europa.eu/non-proliferation-and-disarmament/outer-space-activities/index_en.htm.
4. "Revised Draft Code of Conduct for Outer Space Activities," European Union (September 27, 2010).



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