

# DRAFT INTERNATIONAL CODE OF CONDUCT FOR OUTER SPACE ACTIVITIES FACT SHEET



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Main Author: Chris Johnson, [cjohnson@swfound.org](mailto:cjohnson@swfound.org)

[www.swfound.org](http://www.swfound.org)

*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 draft International Code of Conduct for Outer Space Activities initially stemmed from a document proposed by the European Union (EU) under the French Presidency. EU Member States authored the first drafts in 2007 and 2008, agreed to it within EU structures in June 2008, and officially released their EU Draft Code of Conduct for Outer Space Activities to the international community in December 2008.<sup>1</sup> This was one of the first exercises of the new powers to engage in foreign and security policy making given to the EU under the 2009 Lisbon Treaty.<sup>2</sup> Although no non-EU States signed to the EU draft, there was agreement to use it as a basis for negotiations of an international Code of Conduct. Feedback on this draft was solicited from countries outside Europe and a series of international expert meetings followed. The meetings, which were open to all interested States, focused on developing a voluntary, non-binding code acceptable to as many nations as possible. Meetings were held in Vienna, Austria, in June 2012, in Kiev, Ukraine, in May 2013, and in Bangkok, Thailand, in November 2013. These meetings resulted in revised draft versions of the code, published on September 27, 2010, June 5, 2012, and the latest draft, on September 16, 2013.<sup>3</sup>

## Purpose, Content, and Process

Space systems and activities are vital to national and international security, and underpin the daily activities necessary for our economies to function. The growth of orbital debris, crowding of critical orbits and of the radiofrequency spectrum, and the lack of consensus on defining responsible behavior in space threaten these essential services. In order to effectively address these threats and to prevent mishaps and misunderstandings, internationally agreed-upon best practices should be clearly spelled out. The draft International Code of Conduct aims to establish voluntary “rules of the road” for the increasingly important space domain, a domain intended for peaceful use and accessible to all nations.<sup>4</sup> The draft International Code of Conduct is open to all States, on a voluntary basis, and is not legally binding.

### **The current draft International Code of Conduct lists as its main purposes:**

- Enhancing the “*safety, security, and sustainability of all outer space activities*”
- Forming a “*regime of transparency and confidence-building measures*” (TCBMs) which is complementary to the normative framework regulating outer space activities

### **Furthermore, the draft International Code of Conduct includes the following general principles:**

- The freedom of all States “*to access, to explore, and to use outer space for peaceful purposes, without harmful interference*” and with respect for the long-term sustainability and safe conduct of space activities
- The responsibility of all States “*to refrain from the threat or use of force,*” coupled with the “*inherent right of States to individual or collective self-defense*”
- The responsibility of States “*to take all appropriate measures and cooperate in good faith to avoid harmful interference*” in space activities
- The responsibility of all States to “*promote the peaceful exploration and use of space,*” and to prevent space from becoming an area of conflict

The draft International Code of Conduct proposes several measures on space operations and the mitigation of debris, including:

- Promoting space safety and sustainability
- Pursuing strategic stability
- Minimizing the risk of accidents, collisions, and harmful interference in space
- Refraining from deliberate damage or destruction of spacecraft, unless in self-defense or to mitigate debris
- Taking appropriate measures like prior notification and consultations to minimize collision risks
- Improving adherence and implementation of the International Telecommunications Union (ITU) regulations
- Minimizing the creation of long-lived space debris and implementing the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) Space Debris Mitigation Guidelines

The draft International Code of Conduct also lays out various cooperating mechanisms among subscribing States. One mechanism concerns pre-notification of launches, risky maneuvers, predicted conjunctions, collisions, in-orbit break-ups and other destructions, malfunctioning space objects, and high-risk re-entry events (5.1). Another mechanism requests that States share information on their national space strategies and policies, major space research and programs, policies and procedures to prevent and minimize accidents, collisions and the creation of space debris, efforts for promoting adoption of space regulations, and similar measures (6.1). The draft International Code of Conduct also encourages consultations between subscribing States who anticipate that the space activities of other subscribing States may be contrary to the Code and may result in damage or harmful interference (7.1). Finally, the draft International Code proposes the establishment of annual meetings to review the Code, with consensus decision-making, a central point of contact, and a database for managing information (8.1).

## Response and Current Status

The EU's draft International Code of Conduct initially 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 draft center on its vague terminology and lack of definitions, the degree to which it is legally binding, concerns that it would limit freedom of action in space for military and intelligence activities, and suspicions that it is "arms control in disguise." After an extensive interagency review within the United States government and a Joint Staff assessment that the draft International Code could limit space operations, the United States announced in January 2012 that it would not sign the EU draft proposed at the time. Rather, the United States announced it would join with foreign partners in developing an International Code of Conduct, using the EU draft as a foundation. Other nations, such as Japan and Australia, have made similar declarations. While the Code of Conduct is voluntary and non-binding, signature and acceptance by States is valuable, and a lack of participation and acceptance by certain space powers might lessen its normative impact. However, the negotiating process itself raises awareness regarding cooperative approaches to space, and awareness of international perceptions of behavior in space. Regardless of the eventual outcome of this process, the fact that it is taking place itself contributes positively to space security and sustainability.

## Endnotes

1. Wolfgang Rathgeber, Nina-Louisa Remuss, and Kai-Uwe Schrogl, "Space Security and the European Code of Conduct for Outer Space Activities," *Disarmament Forum* (No. 4, 2009). 33-41.
2. Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, European Union (December 13, 2007).
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](http://eeas.europa.eu/non-proliferation-and-disarmament/outer-space-activities/index_en.htm).
4. "DRAFT International Code of Conduct for Outer Space Activities," European Union (September 16, 2013).



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