

## **(2) REVISED DRAFT CODE OF CONDUCT FOR OUTER SPACE ACTIVITIES**

**As approved by the Council on 16 September 2013**

### **Preamble**

#### **The Subscribing States,**

- 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;
- Considering that the activities of exploration and use of outer space for peaceful purposes play a key role in the social, economic, scientific and technological development of all nations, in the management of global issues such as the preservation of the environment, disaster management, the strengthening of national security, and in maintaining international peace and security;
- Noting that all States, both space-faring and non-spacefaring, should actively contribute to the promotion and strengthening of international cooperation relating to these activities;
- Recognising the need for the widest possible adherence to relevant existing international instruments that promote the peaceful uses of outer space;
- Further recognising that space activities and capabilities, including associated ground and space segments and supporting links, are vital to national security and to the maintenance of international peace and security;
- Recalling the increasing importance of developing outer space transparency and confidence-building measures in light of the growing use of outer space by governmental and non-governmental entities;
- Taking into account that space debris affects the sustainable use of outer space, constitute a hazard to outer space activities and potentially limit the effective deployment and utilisation of associated outer space capabilities;
- Convinced that a multilateral code of conduct aimed at enhancing safety, security, and sustainability of outer space activities could become a useful complement to international law as it applies to outer space;
- Considering that established space actors have acquired knowledge regarding general practices to enhance the, safety, security and sustainability of space activities that could usefully be made available to other Subscribing States, for the benefit of all;
- Reaffirming existing commitments to resolve any dispute concerning activities in outer space by peaceful means;
- Recognising the necessity of a comprehensive approach to safety and security in outer space;
- Reaffirming their commitment to the Charter of the United Nations;
- Without prejudice to ongoing and future work in other appropriate international fora such as the United Nations Committee on the Peaceful Uses of Outer Space and the Conference on Disarmament;
- Subscribe to the following International Code of Conduct for Outer Space Activities (hereinafter referred to as the "Code"):

## **I. Purpose, Scope and Core Principles**

### **1. Purpose and scope**

- 1.1. The purpose of this Code is to enhance the safety, security, and sustainability of outer space activities.
- 1.2. This Code addresses outer space activities involving all space objects launched into Earth orbit or beyond, conducted by a Subscribing State, or jointly with other States, or by non-governmental entities under the jurisdiction of a Subscribing State, including those activities conducted within the framework of international intergovernmental organisations.
- 1.3. This Code forms a regime of transparency and confidence-building measures, with the aim of creating mutual understanding and trust, helping both to prevent confrontation and foster national, regional and global security and stability, and is complementary to the normative framework regulating outer space activities.
- 1.4. Subscription to this Code is open to all States, on a voluntary basis. This Code is not legally binding.

### **2. General principles**

The Subscribing States decide to abide by the following principles:

- the freedom for all States, in accordance with international law and obligations, to access, to explore, and to use outer space for peaceful purposes without harmful interference, fully respecting the security, safety and integrity of space objects, and consistent with internationally accepted practices, operating procedures, technical standards and policies associated with the long-term sustainability of outer space activities, including, inter alia, the safe conduct of outer space activities;
- the responsibility of states to refrain from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the purposes of the Charter of the United Nations, and the inherent right of states to individual or collective self-defence as recognised in the Charter of the United Nations;
- the responsibility of States to take all appropriate measures and cooperate in good faith to avoid harmful interference with outer space activities; and
- the responsibility of States, in the conduct of scientific, civil, commercial and military activities, to promote the peaceful exploration and use of outer space for the benefit, and in the interest, of humankind and to take all appropriate measures to prevent outer space from becoming an arena of conflict.

### **3. Compliance with and Promotion of Treaties, Conventions and Other Commitments Relating to Outer Space Activities**

- 3.1. The Subscribing States reaffirm their commitment to the Charter of the United Nations and existing treaties, principles and guidelines relating to outer space activities, to which they are parties or subscribe. They reiterate their support to encouraging efforts in order to promote universal adoption, implementation, and full adherence to such instruments:
  - (a) Existing international legal instruments relevant to outer space activities, including:
    - the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967);
    - the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (1968);
    - the Convention on International Liability for Damage Caused by Space Objects (1972);

- the Convention on Registration of Objects Launched into Outer Space (1975);
- the Constitution and Convention of the International Telecommunication Union and its Radio Regulations, as amended;
- the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (1963) and the Comprehensive Nuclear Test Ban Treaty (1996).

(b) Declarations, principles, recommendations and guidelines, including:

- International Co-operation in the Peaceful Uses of Outer Space adopted by the United Nations General Assembly's (UNGA) Resolution 1721 (December 1961);
- the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space as adopted in UNGA Resolution 1962 (XVIII) (1963);
- the Principles Relevant to the Use of Nuclear Power Sources in Outer Space as adopted in UNGA Resolution 47/68 (1992);
- the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries as adopted by UNGA Resolution 51/122 (1996);
- the International Code of Conduct against Ballistic Missile Proliferation (2002), as endorsed in UNGA Resolutions 59/91 (2004), 60/62 (2005), 63/64 (2008), 65/73 (2010) and 67/42 (2012);
- the Recommendations on Enhancing the Practice of States and International Intergovernmental Organisations in Registering Space Objects as endorsed in UNGA Resolution 62/101 (2007);
- the Space Debris Mitigation Guidelines of the United Nations Committee for the Peaceful Uses of Outer Space, as endorsed in UNGA Resolution 62/217 (2007).

3.2. The Subscribing States resolve to promote the development of guidelines for outer space operations within the appropriate international fora for the purpose of promoting the safety and security of outer space operations and the long-term sustainability of outer space activities.

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

### **4. Measures on Space Operations and Space Debris Mitigation**

4.1. The Subscribing States resolve to establish and implement policies and procedures to minimise the risk of accidents in space, collisions between space objects or any form of harmful interference with another State's peaceful exploration, and use, of outer space.

4.2. The Subscribing States resolve, in conducting outer space activities, to:

- refrain from any action which brings about, directly or indirectly, damage, or destruction, of space objects unless such action is justified:
  - by imperative safety considerations, in particular if human life or health is at risk; or
  - by the Charter of the United Nations, including the inherent right of individual or collective self-defence; or
  - in order to reduce the creation of space debris;
 and, where such exceptional action is necessary, that it be undertaken in a manner so as to minimise, to the greatest extent practicable, the creation of space debris;
- take appropriate measures, for example technical measures, prior notification and consultations between countries, to minimize the risk of collision; and
- improve adherence to, and implementation of International Telecommunication Union regulations on allocation of radio spectra and orbital assignments, and on addressing harmful radio-frequency interference.

- 4.3. In order to minimise the creation of outer space debris and to mitigate its impact in outer space, the Subscribing States commit to limit, to the greatest extent practicable any activities in the conduct of routine space operations, including during the launch and the entire orbital lifetime of a space object, which may generate long-lived space debris.
- 4.4. To that purpose, they resolve to adopt and implement, in accordance with their own internal processes, the appropriate policies and procedures or other effective measures in order to implement the Space Debris Mitigation Guidelines of the United Nations Committee for the Peaceful Uses of Outer Space as endorsed by United Nations General Assembly Resolution 62/217 (2007).

### **III. Cooperation Mechanisms**

#### **5. Notification of Outer Space Activities**

- 5.1. The Subscribing States, guided by the principle of cooperation and mutual assistance, resolve to notify, in a timely manner, to the greatest extent practicable, all potentially affected Subscribing States of any event related to the outer space activities they are conducting which are relevant for the purposes of this Code, including:
- scheduled manoeuvres that could pose a risk to the safety of flight of the space objects of other Subscribing States;
  - predicted conjunctions posing an apparent on-orbit collision risk, due to natural orbital motion, between space objects or between space objects and space debris;
  - pre-notification of launch of space objects;
  - collisions, break-ups in orbit, and any other destruction of a space object(s) which have taken place generating measurable orbital debris;
  - predicted high-risk re-entry events in which the re-entering space object or residual material from the re-entering space object potentially could cause significant damage or radioactive contamination;
  - malfunctioning of space objects or loss of control that could result in a significantly increased probability of a high risk re-entry event or a collision between space objects.
- 5.2. The Subscribing States resolve to provide the notifications on any event related to the outer space activities described above to all potentially affected Subscribing States:
- through the Central Point of Contact to be established under section 9; or
  - through diplomatic channels; or
  - by any other method as may be mutually determined by the Subscribing States.

In notifying the Central Point of Contact, the Subscribing States should identify, if applicable, the potentially affected States.

The Central Point of Contact should ensure the timely distribution of the notifications to all Subscribing States.

#### **6. Information on Outer Space Activities**

- 6.1. The Subscribing States resolve to share, on an annual basis, where available and appropriate, information with the other Subscribing States on:
- their space strategies and policies, including those which are security-related, in all aspects which could affect the safety, security, and sustainability of current and planned activities in outer space;

- their major outer space research and space applications programmes;
  - their space policies and procedures to prevent and minimise the possibility of accidents, collisions or other forms of harmful interference and the creation of space debris; and
  - efforts taken in order to promote universal adoption and adherence to legal and political regulatory instruments concerning outer space activities.
- 6.2. The Subscribing States may also consider providing timely information on outer space environmental conditions and forecasts, including in particular on natural phenomena that may cause hazard to spacecraft, to relevant governmental and non-governmental entities of other Subscribing States, collected through their space situational awareness capabilities.
- 6.3. Subscribing States, particularly those with relevant space capabilities and with programmes for the exploration and use of outer space, who are in a position to do so, are encouraged to contribute to promoting and fostering international cooperation in outer space activities, giving particular attention to the benefit and the interests of developing countries. Each Subscribing State is free to determine the nature of its participation in international space cooperation on an equitable and mutually acceptable basis with regard to the legitimate rights and interests of parties concerned, as, for example, appropriate technology safeguard arrangements, multilateral commitments and relevant standards and practices.
- 6.4. The Subscribing States endeavour to organise on a voluntary basis, to the extent feasible and practicable, and consistent with national and international law and obligations, including non-proliferation commitments, activities to familiarize other Subscribing States with their programs, policies, and procedures related to the exploration and use of outer space, including:
- familiarisation visits to improve international understanding of a State's processes and procedures for space activities;
  - expert visits to space launch sites, flight control centres, and other outer space infrastructure facilities;
  - observations of launches of space objects;
  - demonstrations of rocket and other space-related technologies, in line with existing multilateral commitments and export control regulations;
  - dialogues to clarify information on outer space activities; and
  - thematic workshops and conferences on the exploration and use of outer space.

## **7. Consultation Mechanism**

- 7.1. Without prejudice to existing consultation mechanisms provided for in Article IX of the Outer Space Treaty of 1967 and in the relevant provisions of the ITU Constitution and Radio Regulations, the Subscribing States resolve to implement the following consultation mechanism:
- A Subscribing State or States that may be directly affected by certain outer space activities conducted by a Subscribing State or States and has reason to believe that those activities are, or may be contrary to this Code may request consultations with a view to achieving mutually acceptable solutions regarding measures to be adopted in order to prevent or minimise the potential risks of damage to persons or property, or of harmful interference to a Subscribing State's outer space activities.
  - The Subscribing States involved in a consultation process resolve to:
    - consult through diplomatic channels or by other methods as may be mutually determined; and
    - work jointly and cooperatively in a timeframe sufficiently urgent to mitigate or eliminate the identified risk initially triggering the consultations.
  - Any other Subscribing State or States which has or have reason to believe that its or their outer space activities would be directly affected by the identified risk may take part in the consultations if it or they request so, with the consent of the Subscribing State or States which requested consultations and the Subscribing State or States which received the request.
  - The Subscribing States participating in the consultations intend to seek mutually acceptable solutions in accordance with international law.

7.2. In addition, Subscribing States may propose to create, on a voluntary and case-by-case basis, independent, ad hoc fact-finding missions to analyse specific incidents affecting space objects, and to collect reliable and objective information facilitating their assessment. These fact-finding missions, to be established by the Meeting of the Subscribing States and carried out by a geographically representative group of experts, endorsed by the involved Subscribing States, should utilise information provided on a voluntary basis by the Subscribing States, subject to applicable laws and regulations. The findings and any recommendations would be of an advisory nature and could be shared, upon agreement of the Subscribing States involved, with other Subscribing States.

#### **IV. Organisational Aspects**

##### **8. Meeting of Subscribing States**

8.1. The Subscribing States decide to hold regular meetings annually to define, review and further develop this Code and ensure its effective implementation. Additional meetings may be held if decided by consensus of the Subscribing States at previous meetings or as communicated through the Central Point of Contact.

The agenda for such meetings could include:

- review of the implementation of the Code,
- modification of the Code, and
- discussion of additional measures which may be necessary, including those due to advances in the development of space technologies and their application.
- establishing procedures regarding the exchange of notifications and other information in the framework of the Code.

8.2. The decisions at such meetings, both substantive and procedural, are to be taken by consensus of the Subscribing States present.

8.3. At the beginning of each regular meeting the Subscribing States are to elect by consensus their chair for the period until the beginning of the next regular meeting.

8.4. The results of the Meeting of Subscribing States are to be brought in an appropriate manner to the attention of relevant international fora including the United Nations General Assembly, the Committee on Peaceful Uses of Outer Space and the Conference on Disarmament.

##### **9. Central Point of Contact**

9.1. A Central Point of Contact is to be designated by the Subscribing States at the first Meeting of the Subscribing States and tasked with:

- receiving and communicating notifications that a State subscribes to the Code;
- serving as a mechanism to communicate information exchanged under the Code to all Subscribing States;
- serving as secretariat at the Meetings of Subscribing States;
- maintaining an electronic database and communications system;
- exercising organisational functions in connection with the preparation and implementation of familiarisation activities referred to in section 6.4., if and to the extent requested by Subscribing States involved; and
- carrying out other tasks as decided by the Meeting of the Subscribing States.

9.2. The Subscribing States resolve to create an electronic database and communications system, which would be used to:

- collect and disseminate notifications and information submitted in accordance with this Code; and Consulting through diplomatic channels or by other methods as may be mutually determined; and
- serve as a mechanism to channel requests for consultations.

9.3. Funding the development and maintenance of the electronic database is to be decided by the first Meeting of Subscribing States.

The electronic database is to be used exclusively in the interests of the Subscribing States.

## **10. Participation by Regional Integration Organisations and International Intergovernmental Organisations**

In this Code, references to Subscribing States are intended to apply, upon their subscription to the Code:

- To any regional integration organisation which has competences over matters covered by this Code, without prejudice to the competences of its member States.
- With the exception of Sections 8.2 and 8.3: To any international intergovernmental organisation which conducts outer space activities if a majority of the States members of the organisation are Subscribing States to this Code.