

**Conference on Disarmament 1st Part
Geneva, 19 January – 27 March 2009**

**EU Statement on
"PAROS"
(12 February 2009)**

Mr President,

I have the honour to speak on behalf of the European Union. The Candidate Countries Turkey, Croatia* and the former Yugoslav Republic of Macedonia*¹, the Countries of the Stabilisation and Association Process and potential candidates Bosnia and Herzegovina, Montenegro, Serbia, as well as Ukraine and the Republic of Moldova align themselves with this declaration.

1. I would like to assure you, Mr President, as well as all Coordinators, of my full personal support and the support of the European Union in your efforts to guide and lead our work.
2. The EU and its Member States recognize the ever-growing dependence of the international community on outer space for economic and industrial development and progress, as well as for ensuring security. Activities in this respect should be developed in a peaceful, safe and secure environment: an arms race in outer space must be prevented. Such prevention contributes to the strengthening of international security and promotes international cooperation in the field of free exploration and use of outer space for peaceful purposes by all states. Hence, the longstanding position of the EU and its Member States in the Conference on Disarmament (CD) which favours the enhancement of the multilateral framework concerning the preservation of a peaceful, safe and secure environment in outer space.
3. The EU places great importance on the relevant existing agreements and sees these as the basis on which we should build. We recall in particular the 1967 Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies (generally known as the Outer Space Treaty), the 1979 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space including the Moon and other Celestial Bodies (generally known as the Moon Treaty) and relevant existing arms control agreements.

¹ * *Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.*

4. Very important from our point of view are also the Registration Convention of 1975, the Liability Convention of 1972 and the Astronauts Rescue Agreement of 1968. The EU would also like to underline the relevance of the Hague International Code of Conduct against Ballistic Missile Proliferation and the need for its universalisation as highlighted in the concrete and realistic proposals presented by the EU at the UNGA and referred to in our statement at the CD of 20th January 2009. On the basis of these existing agreements space-faring nations are encouraged to provide advance notice if there is reason to believe that their activities may cause interference and thereby harm the operation of another nation's space objects. They are also encouraged to provide launch notifications and registration. These agreements contribute to transparency and are important confidence-building measures between space-faring and non-space-faring nations.
5. We also would like to recall that the EU last year introduced the United Nations General Assembly Resolution on the Hague Code of Conduct against Ballistic Missile Proliferation and that the EU Member States unanimously voted in favour of United Nations General Assembly Resolutions on "Transparency and Confidence-Building Measures in Outer Space Activities" and on "Prevention of an Arms Race in Outer Space" in the recent sessions of the UN General Assembly.
6. The EU appreciates the efforts of the Russian Federation and the People's Republic of China to enhance international space security and to put the subject on the international agenda. In this connection we took note of the proposal for a draft treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects (PPWT) last year in the CD.
7. Concerning the draft PPWT, in its statement of 28 February 2008 the EU already indicated that while it identifies itself with the overall goal to preserve outer space as an area free from armed conflict, further reflection and work is required on the elements for an effective international treaty. For example, it remains a difficult challenge to achieve consensus on the definitions needed for a legally binding instrument. As a matter of principle, an effective and robust verification system must be an integral part of any future Treaty concerned with space security. The EU considers it is not sufficient to only refer to a possible future additional protocol. Also any PPWT would need to clearly address the issue of anti-satellite weapons tests.
8. The EU therefore appreciates the discussion so far in the CD on PAROS. Furthermore, the EU welcomes the P6 decision to again task a coordinator to lead our discussions on this topic in the CD in 2009. We pledge to Ambassador Grinius our full support and place great confidence in his abilities. In that context, the EU emphasizes that further substantive discussion concerning space issues will take place when the proposed programme of work of the CD (CD/1840) is agreed. The EU again urges all CD members to show flexibility and to make consensus possible on the basis of this proposal.

9. The European Union also recognizes the relevant work carried out by the Committee for Peaceful Uses of Outer Space (COPUOS). We appreciate in particular the work of COPUOS on debris mitigation guidelines and the preservation of the space environment, which will include space rules of the road. The outputs of this work should be used as a basis for further transparency and confidence-building measures. The EU also supports the initiative for the long-term sustainability of outer space activities.
10. As the CD is aware, the European Union has been preparing a draft proposal for an international Code of Conduct for Outer Space Activities, aimed at increasing the security of outer space activities. On 8th December 2008, the Council of the European Union approved an initial draft text of the Code of Conduct for Outer Space Activities.
11. The draft text of the Code includes transparency and confidence-building measures; it is, however, not a legally binding document, nor does it seek to replace initiatives which work towards that aim. It recognizes that a comprehensive approach to safety and security in outer space should be guided by the following principles: freedom of access to space for all for peaceful purposes, preservation of the security and integrity of space objects in orbit, and due consideration to the legitimate defence interests of states. The main objective of the Code of Conduct is to strengthen the safety, security and predictability of all space activities, *inter alia* by limiting or minimising harmful interference in space activities. It covers all outer space activities: civil as well as military and present as well as future ones.

The main purpose of the project of the Code of Conduct is twofold:

- to strengthen the existing United Nations treaties, principles and other arrangements, as the subscribing parties would commit to comply with them, to make progress towards adherence to them, to implement them, and to promote their universality,
- to complement them by codifying new best practices in space operations including measures of notification and of consultation that would strengthen the confidence and transparency between space actors and contribute to developing good faith solutions that would permit the performance of space activities and access to space for all.

As the Code of Conduct would be voluntary and open to all states and would lay down the basic rules to be observed by space-faring nations, it does not include any provision concerning the specific question of non-placement of weapons in space. The purpose of such a Code is neither to duplicate or compete with the initiatives dealing with this specific issue, nor to oppose them. On the contrary, the project complements and contributes to those initiatives, *inter alia* by insisting on the importance to take "all measures in order to prevent space from becoming an area of conflict".

The draft text of the Code is distributed as attachment to this statement and is available on the website of the Council of the European Union (<http://register.consilium.europa.eu/pdf/en/08/st17175.en08.pdf>).

12. The European Union is currently consulting other space-faring nations on the text with the aim of reaching a consensus text that would be acceptable for as many states as possible. It is envisaged that at the end of the consultation process an ad hoc conference would be organized in order for states to subscribe to the Code. While it is not our intention to negotiate the Code in this forum, we will keep the CD informed on the progress of the work on the Code. More detailed information on the substance of the Code is available in the back of this room.

Thank you Mr Chairman.

**DRAFT
CODE OF CONDUCT
FOR OUTER SPACE ACTIVITIES
As approved by the Council on 8-9 December 2008**

Preamble

The Subscribing States,

Noting that all States should actively contribute to the promotion and strengthening of international cooperation relating to the activities in the exploration and use of outer space for peaceful purposes (hereinafter referred to as outer space activities);

Recognising the need for the widest possible adherence to relevant existing international instruments that promote the peaceful uses of outer space in order to meet emerging new challenges;

Convinced that the use of existing space technology, space telecommunications, and their applications, has important consequences in the economic, social and cultural development of nations;

Further recognising that space 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 initiatives aiming at promoting a peaceful, safe and secure outer space environment, through international cooperation;

Recalling the importance of developing transparency and confidence-building measures for activities in outer space;

Taking into account that space debris could constitute a threat to outer space activities and potentially limit the effective deployment and exploitation of associated space capabilities;

Reaffirming their commitment to resolve any conflict concerning actions in space by peaceful means;

Recognising that a comprehensive approach to safety and security in outer space should be guided by the following principles: (i) freedom of access to space for all for peaceful purposes, (ii) preservation of the security and integrity of space objects in orbit, (iii) due consideration for the legitimate defence interests of States;

Conscious that a comprehensive code, including transparency and confidence-building measures could contribute to promoting common and precise understandings;

Adopt the following Code (hereinafter referred to as "the Code").

I. Core principles and objectives

1. Purpose and scope

- 1.1. The purpose of the present code is to enhance the safety, security and predictability of outer space activities for all.
- 1.2. The present Code is applicable to all outer space activities conducted by a Subscribing State or jointly with other State(s) or by non-governmental entities under the jurisdiction of a Subscribing State, including those activities within the framework of international intergovernmental organisations.
- 1.3. This Code, in codifying new best practices, contributes to transparency and confidence-building measures and is complementary to the existing framework regulating outer space activities.
- 1.4. Adherence to this Code and to the measures contained in it is voluntary and open to all States.

2. General principles

The Subscribing States resolve to abide by the following principles:

- the freedom of access to, exploration and use of outer space and exploitation of space objects for peaceful purposes without interference, fully respecting the security, safety and integrity of space objects in orbit;
- the inherent right of individual or collective self-defence in accordance with the United Nations Charter;
- the responsibility of States to take all the appropriate measures and cooperate in good faith to prevent harmful interference in outer space activities;
- the responsibility of States, in the conduct of scientific, commercial and military activities, to promote the peaceful exploration and use of outer space and take all the adequate measures to prevent outer space from becoming an area 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 existing legal framework relating to outer space activities;
- making progress towards adherence to, and implementation of:
 - (a) the existing framework regulating outer space activities, inter alia:
 - 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 Telecommunications Union and its Radio Regulations (2002);
 - the Treaty banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (1963) and the Comprehensive Nuclear Test Ban Treaty (1996);
 - the International Code of Conduct against Ballistic Missile Proliferation (2002).
 - (b) declarations and Principles, inter alia:
 - the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space as stated in UNGA Resolution 1962 (XVIII);
 - the Principles Relevant to the Use of Nuclear Power Sources in Outer Space as stated in UNGA Resolution 47/68;
 - 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 stated in UNGA Resolution 51/122;

- the Recommendations on the Practice of States and International Organisations in Registering Space Objects as stated in UNGA Resolution 62/101;
 - the Space Debris Mitigation Guidelines of the United Nations Committee for the Peaceful Uses of Outer Space as stated in UNGA Resolution 62/217.
- 3.2. The Subscribing States also reiterate their support to encourage coordinated efforts in order to promote universal adherence to the above mentioned instruments.

II. General Measures

4. Measures on space operations

- 4.1. The Subscribing States will establish and implement national policies and procedures to minimise the possibility of accidents in space, collisions between space objects or any form of harmful interference with other States' right to the peaceful exploration and use of outer space.
- 4.2. The Subscribing States will, in conducting outer space activities:
- refrain from any intentional action which will or might bring about, directly or indirectly, the damage or destruction of outer space objects unless such action is conducted to reduce the creation of outer space debris and/or justified by imperative safety considerations;
 - take appropriate steps to minimise the risk of collision;
 - abide by and implement all International Telecommunications Union recommendations and regulations on allocation of radio spectra and orbital assignments.
- 4.3. When executing manoeuvres of space objects in outer space, for example to supply space stations, repair space objects, mitigate debris, or reposition space objects, the Subscribing States agree to take all reasonable measures to minimise the risks of collision.
- 4.4. The Subscribing States resolve to promote the development of guidelines for space operations within the appropriate fora for the purpose of protecting the safety of space operations and long term sustainability of outer space activities.

5. Measures on space debris control and mitigation

In order to limit the creation of space debris and reduce its impact in outer space, the Subscribing States will:

- refrain from intentional destruction of any on-orbit space object or other harmful activities which may generate long-lived space debris;
- adopt, in accordance with their national legislative processes, the appropriate policies and procedures in order to implement the Space Debris Mitigation Guidelines of the United Nations Committee for the Peaceful Uses of Outer Space as endorsed by UNGA Resolution 62/217.

III. Cooperation mechanisms

6. Notification of outer space activities

- 6.1. The Subscribing States commit to notify, in a timely manner, to the greatest extent feasible and practicable, all potentially affected Subscribing States on the outer space activities conducted which are relevant for the purposes of this Code, inter alia:
- the scheduled manoeuvres which may result in dangerous proximity to space objects;
 - orbital changes and re-entries, as well as other relevant orbital parameters;
 - collisions or accidents which have taken place;
 - the malfunctioning of orbiting space objects with significant risk of re-entry into the atmosphere or of orbital collision.
- 6.2. The Subscribing States reaffirm their commitment to the Principles Relevant to the Use of Nuclear Power Sources in Outer Space as stated in UNGA Resolution 47/68.

7. Registration of space objects

The Subscribing States undertake to register space objects in accordance with the Convention on Registration of Objects launched in Outer Space and to provide the United Nations Secretary-General with the relevant data as set forth in this Convention and in the Recommendations on the Practice of States and International Organisations in Registering Space Objects as stated in UNGA Resolution 62/101.

8. Information on outer space activities

- 8.1. The Subscribing States resolve to share, on an annual basis, and, where available, information on:
- national space policies and strategies, including basic objectives for security and defence related activities;
 - national space policies and procedures to prevent and minimise the possibility of accidents, collisions or other forms of harmful interference;
 - national space policies and procedures to minimise the creation of space debris;
 - efforts taken in order to promote universal adherence to legal and political regulatory instruments concerning outer space activities.
- 8.2. The Subscribing States may also consider providing timely information on space environmental conditions and forecasts to other Subscribing States or private entities through their national space situational awareness capabilities.

9. Consultation mechanism

- 9.1. Without prejudice to existing consultation mechanisms provided for in Article IX of the Outer Space Treaty of 1967 and in Article 56 of the ITU Constitution, the Subscribing States have decided on the creation of the following consultation mechanism:
- A Subscribing State with reason to believe that certain outer space activities conducted by one or more Subscribing State(s) are, or may be, contrary to the purposes of the Code may request consultations with a view to achieving acceptable solutions regarding measures to be adopted in order to prevent or minimise the inherent risks.
 - The Subscribing States involved in a consultation process will decide on a timeframe consistent with the timescale of the identified risk triggering the consultations.
 - Any other Subscribing State which may be affected by the risk and requests to take part in the consultations will be entitled to take part.
 - The Subscribing States participating in the consultations shall seek solutions based on an equitable balance of interests.
- 9.2. In addition, the Subscribing States may propose to create a mechanism to investigate proven incidents affecting space objects. The mechanism, to be agreed upon at a later stage, could be based on national information and/or national means of investigation provided on a voluntary basis by the Subscribing States and on a roster of internationally recognised experts to undertake an investigation.

IV. Organisational aspects

10. Biennial meeting of Subscribing States

- 10.1.** The Subscribing States decide to hold meetings biennially or as otherwise agreed by Subscribing States, to define, review and further develop this Code and ensure its effective implementation. The agenda for such biennial meetings could include: (i) review of the implementation of the Code, (ii) evolution of the Code and (iii) additional measures which appear necessary.
- 10.2.** The decisions will be taken by consensus of the Subscribing States present at the meeting.

11. Central point of contact

A central point of contact shall be nominated among Subscribing States to:

- receive and announce the subscription of additional States;
- maintain the electronic information-sharing system;
- serve as secretariat at the biennial meetings of Subscribing States;
- carry out other tasks as agreed by Subscribing States.

12. Outer Space Activities Database

The Subscribing States will create an electronic database to:

- collect and disseminate notifications and information submitted in accordance with the provisions of this Code;
- channel requests for consultations.

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Annex
(List of Subscribing States)
