Statement of the European Union on
“Prevention of Arms Race in Outer Space”

Conference on Disarmament
Geneva, 31 July 2012

Mr. President,

During the first thematic debate on PAROS which took place on 5 June, Ambassador Iliopoulos, the Deputy Representative of the European Union, made a statement on behalf of the European Union and its Member States, in which among other he introduced the revised draft of the International Code of Conduct for the Outer Activities. This draft was officially presented at a multilateral meeting taking place in Vienna on the same day – copies of this revised draft were then distributed in this room.

During the interactive debate at the CD meeting of 5 June a few comments and questions were made about the Code and it is my honour today to address them and to inform you about the intentions of the European Union how to continue in the process of negotiation of the Code.

As you know, the European Union officially launched on 5 June in Vienna the multilateral diplomatic process to discuss and negotiate its initiative for an International Code of Conduct for Outer Space Activities. 110 participants from more than 40 countries gathered for this multilateral meeting, at which the European Union introduced a revised version of its draft Code, based on comments received in bilateral meetings with various partners.

The logic of holding this meeting in Vienna on 5 June was to profit from the presence of COPUOS members in Vienna, as the fifty-fifth session of the UN Committee on Outer Space Activities started the following day. But a number of countries were represented by their mission to the UN in Vienna or Geneva, or by capital.

At the meeting, the UN Institute for Disarmament Research (UNIDIR) officially launched its project "Facilitating the Process for the Development of an international Code of Conduct for Outer Space Activities", which – in parallel with the diplomatic process – aims to facilitate information dissemination and exchange of views on the concept of this Code of Conduct.

Due to the overarching nature of this initiative, we consider it would not be appropriate to table it in any existing forum competent on disarmament (Conference on Disarmament and the UN General Assembly First Committee) or on civilian outer space activities (UN COPUOS and the UN General Assembly Fourth Committee), with the clear understanding that these bodies should be kept duly informed of our progresses, and that our work should be done without prejudice to future work in these international fora. Moreover, these bodies only gather a limited number of countries, and we would like all countries wishing to participate to this process to be able to do so.

We have thus decided on an "ad-hoc" process, open to the participation of all states. As such, this initiative is neither dealing with the placement of weapons in outer space, which is being tackled in the Conference on Disarmament in Geneva, nor with "practical" Transparency and Confidence-building Measures (TCBMs) which are developed in the COPUOS long-term sustainability working group and which are tackled by the UN Group of Governmental Experts on TCBMs in outer space, which started its work in New York last week. In our view, the proposed International Code of
Conduct on Outer Space Activities is a political framework, which is absolutely compatible and complementary with other existing initiatives.

Regarding now the envisaged way-ahead, the new draft was introduced to the international community for the first time on 5 June.

The next step will be the first Multilateral Experts Meeting, which will take place most likely in New York mid-October 2012, in order to benefit from the presence of colleagues following the UN General Assembly First and Fourth Committees. This meeting is designed to discuss and negotiate in a multilateral format the text of the Code, and would serve to prepare the next diplomatic steps. Again, this meeting will be open to participation by all UN Member States.

Perhaps more than one multilateral experts meeting will be necessary to agree on a draft text, but we do not foresee more than 3 experts meetings before a possible ad-hoc diplomatic conference, at which the Code would be open to signature. This conference could take place in 2013, if negotiations go smoothly, as we would hope, thanks also to your collective support.

We consider the project of an International Code of Conduct on Outer Space Activities as a common project of the countries wishing to work on it. The current text is still a draft and might be dramatically changed in the future, but reflects our efforts to strike a balance between a number of stakeholders in the space field, which hopefully will prove ultimately to be agreeable by the majority of the space-faring states, after our multilateral consultations. This proposal constitutes in our view a sound basis in order to enhance security, safety and sustainability of all outer space activities.

Now let me address the concrete remarks made during our meeting of 5 June.

Regarding the remarks that the negotiation should take place under the umbrella of the UN: The European Union has always supported multilateralism. As already stated, we consider our initiative for a Code of Conduct as an overarching initiative, which is not limited neither to the civilian nor to the disarmament fields, and thus we do not intend to table the draft code in any of the existing fora for non-proliferation/disarmament (e.g. 1st Committee, CD) or civilian outer space (4th Committee, COPUOS). We want all countries to be able to participate to this process, and not only the countries represented in the CD or the COPUOS. Moreover, we want to act swiftly for practical reasons, on a project which is non-legally binding, based on the acceptance of voluntary rules. Moreover, this initiative is not in opposition with the UN but more in complementarity with it, and a formal link could be established between the future Code and the UN (the Code could be for example formally deposited to the UN).

Regarding the Algerian question raised on 5 June on principle (ii) "preservation of the security and integrity of space objects in orbit": This principle – or general philosophy - should cover all type of situations. The idea is to refrain from any action which intends to bring about damage to outer space objects in orbit – whatever the object, be it civil or military. Only exception to this principle is self-defense, in line with the UN Charter, or imperative safety considerations. That's what you find as Principle (iii) "due consideration for the legitimate defence interests of states" and in section 4.2 of the Draft.

Thank you, Mr. President.