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# EU Approach to the Space Security, Safety and Sustainability

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# European External Action Service

European External Action Service (EEAS) provides the service to Ms. Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy/Vice-President of the European Commission. In the framework of this institution, the position of the Special Envoy for Space was created, and a special unit, which is called the Space Task Force, was built. This unit deals with the space policy matters. The EEAS is a service of a "sui generis nature", separate from the European Commission.



# International Code of Conduct for Outer Space Activities

- The EU and its Member States are increasingly engaged in outer space. The security, safety and sustainability of outer space are and will remain therefore key objectives for the EU.
- For this reason, and in view of the growing threats and hazards to space objects and operations, the EU, its MS and some like-minded countries launched an initiative for a non-legally binding International Code of Conduct for Outer Space Activities in 2012. The works on this idea/proposal started already in 2007 – 2008.
- It was not the EU initiative only – we had the support of a number of like-minded countries, not only developed countries. It was not the "EU Code of Conduct".



# International Code of Conduct for Outer Space Activities

- Experience showed that, in spite of sustained efforts by the EU and other like-minded countries, this initiative has not found sufficient support in the international community.
- We were criticised for both process and substance.
- The strong criticism was due to the fact that the negotiations were not conducted in the UN framework.
- There were the meetings on it (Kiev, Luxembourg). The last meeting was in New York in July 2015, without concrete results.



# Need for a global set of voluntary norms, addressing security, safety and sustainability

- We consistently believe that today's space changing environment calls for a global set of voluntary norms, addressing security, safety and sustainability of outer space activities.
- The number of space actors, both governmental and private, is increasing rapidly.
- Space is at the same time no longer limited to a handful of State actors and has never been as congested and contested as it is today. Operators are starting to launch constellations composed of hundreds or thousands of satellites.



## **Need for a global set of voluntary norms, addressing security, safety and sustainability**

- Technical development continues rapidly, there is a trend towards miniaturization (nanosatellites, microsatellites, minisatellites) in spaceflight, coupled with more cost-effective launch options and share flight opportunities.
- Placing such a large quantity of objects into orbit is likely to increase the risk of collision and create additional space debris on top of the already existing critical mass.



## Need for a global set of voluntary norms, addressing security, safety and sustainability

- There will be new missions, using new technologies, such as those used to carry out **active debris removal** or on-orbit servicing, encompass the ability to rendezvous with other space objects and move them.
- There is however an increasing concern that such new technologies may be used for interferences and offensive actions against other space objects and that operations undertaken to remove debris might be (mis-) understood as hostile actions vis-à-vis other space objects.



# The 1967 Outer Space Treaty and other international applicable space law

- The 1967 Outer Space Treaty and other international applicable space law as developed in the framework of the United Nations constitute the cornerstone of the global governance of outer space.
- COPUOS and its subcommittees (Legal Subcommittee and Scientific and Technical Subcommittee) are the main fora for an inclusive dialogue on space law and space policy issues related to the peaceful uses of outer space.
- However, in face of today's changing space environment and of its related increasing risks and opportunities, we are convinced that there is the **need to move the international community towards the common goal of enhanced governance of outer space activities.**



# The 1967 Outer Space Treaty and other international applicable space law

- Negotiations on the ICoC were the important lessons learnt for us and COPUOS was also the important feedback platform.
- **We certainly stress the importance of promoting principles of responsible behaviour in outer space in the framework of the United Nations.**



## The EU approach to the space security, safety and sustainability

- We are therefore sure that a global set of voluntary norms, addressing security, safety and sustainability of outer space activities, is needed now more than ever.



## The EU approach to the space security, safety and sustainability

- We continue to believe that there would be value in agreeing **a non-legally binding instrument (or instruments)**, we use a working term for it - a "**voluntary instrument**", to be negotiated within the framework of the UN, as a way to deliver these objectives.
- Such a political commitment would build upon the COPUOS work on the Long Term Sustainability Guidelines and would be complementary to these Guidelines (hopefully to be agreed).



## The EU approach to the space security, safety and sustainability

- It would contribute to responsible behaviour and constitute a transparency and confidence building measure in outer space **by creating a voluntary mechanism for notification of operations**, such as scheduled manoeuvres, that could pose a risk to life or property on the ground or to the safety of flight of the space objects of other States.



# The EU approach to the space security, safety and sustainability

- In this line, such an instrument could:
- set basic principles of responsible behaviour beneficial in terms of cooperation, responsibility, non-interference, access to space and transparency;
- include political commitments not to undertake type of activities, both civilian and military, detrimental to the safety, security and sustainability of outer-space activities (i.e. **no intentional destruction of space objects that generates long lived debris**);



# The EU approach to the space security, safety and sustainability

- such an instrument could:
- include **notification mechanisms** related to possibly risky activities;
- include a **consultation mechanism** to decrease the risk of disputes or to solve disputes;
- establish a **central point of contact** (UNOOSA would be certainly an option for it) for information sharing, notification and consultation mechanism.



# The EU approach to the space security, safety and sustainability

- The idea to launch discussions on a voluntary instrument should be supported and mandated by a United Nations General Assembly resolution. It would be elaborated and negotiated with an inclusive approach (i.e. extensive consultations within UN bodies and conferences). The UN bodies are important partners with huge know-how and experience.



# The EU approach to the space security, safety and sustainability

- **Advantages:**
- Political commitment, by endorsing States to abide by the proposed norms;
- Comprehensiveness by including in one instrument substantial aspects of security, safety and sustainability for both civilian and military space activities;
- Introduction of TCBMs aimed at creating a network of cooperative actors (focal points) with light but operational coordination mechanisms, supporting new actors in space, commercial and governmental, to act responsibly;





# The EU approach to the space security, safety and sustainability

- **Reduction of** risks stemming from lack of space traffic management, creation of debris, harmful interferences, misunderstanding and miscommunication as a result of increased transparency in the conduct of space activities;
- Simplified procedures to become operational;
- Complementarity and consistency with existing international Treaties, Conventions, Principles, Guidelines and other commitments relating to outer space activities.



# UNISPACE + 50

- Francois Rivasseau, EU Special Envoy for Space, presented this approach at the UNISPACE + 50. In the EU statement, it was also underlined the need to establish standards of responsible behaviour and sustainable use across the full range of space activities, to strengthen commitments to non-interference in the peaceful exploration and use of outer spaces, and, to this end, reaffirmed the value in agreeing a non-legally binding instrument.
- The following countries align themselves with this statement: Turkey, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, Ukraine, Norway, the Republic of Moldova and Armenia.



# The EU approach to the space security, safety and sustainability

Notification mechanism could comprise:

- predicted conjunctions posing an apparent on-orbit collision risk between space objects or between space objects and space debris;
- advance notice of launch and de-commissioning or servicing of space objects, collisions, break-ups in orbit, and any other destruction of space objects which has 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 in a collision between space objects.



# The EU approach to the space security, safety and sustainability

Where to negotiate?

The main differences between the past initiative of the ICoC and the current one:

- It should be done within the UN framework.
- We want to be as much inclusive as possible from the beginning.
- At this stage we cannot propose which UN body should deal with this issue, it would be premature.
- In any case we suppose that COPUOS will have a prominent role as the unique UN body for discussing space law.



# The EU approach to the space security, safety and sustainability – form? when?

Form of an instrument:

- Code of conduct

or

- UNGA resolution (recommended by some like – minded countries)

When to start officially?

If a resolution on it at UNGA is tabled, it would be in 2019, certainly not this year.



# The EU approach to the space security, safety and sustainability – form? when?

## Who will propose it:

- We want to create a core group of countries, both developed and developing countries, from all regions.
- The EU will not be a proponent of this initiative.



**Thank you!**

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