

***Multilateral Negotiations on an
International Code of Conduct for Outer Space Activities***

New York

27-31 July 2015

CHAIR'S SUMMARY*

1. Delegations from 109 States, 2 intergovernmental organizations and United Nations entities and 6 nongovernmental organizations registered and participated in the meeting convened at the initiative of the European Union, with the assistance of the United Nations Office for Disarmament Affairs, on “Multilateral Negotiations on an international code of conduct for outer space activities”, which was held from 27 to 31 July 2015 at United Nations Headquarters in New York under the chairmanship of Prof. Sergio Marchisio. Based on inputs from participants, the work programme was amended at the start of the week to cover issues of both substance and process in a non-negotiating mode.
2. At the end of the meeting, the Chair presented the following factual summary on his own authority, reflecting his understanding of the views expressed on matters of substance and process.
3. Without conducting negotiations, participants held substantive discussions on a possible code of conduct for outer space activities, including on issues contained within the draft code of conduct circulated by the European Union, dated May 2015, as discussed in three rounds of Open-ended Consultations, held in Kiev (May 2013), Bangkok (November 2013) and Luxembourg (May 2014).
4. In this regard, they discussed the main issues relating to a code, such as the purpose, scope and general principles; safety, security and sustainability; cooperation mechanisms; and organizational aspects. Participants also discussed the process for negotiating a code.
5. The Chair assessed that the meeting benefited from the robust discussions on substantive and procedural issues, which took place in a constructive atmosphere, as well as from the detailed written proposals submitted by participants. The meeting thus enabled participants to better understand the relationship between the scope of a code and the various ways and means to move forward the negotiations.
6. Participants noted the value that a code could bring to promoting the safety, security and sustainability of outer space activities through transparency and confidence building measures (TCBMs) and thereby serving to safeguard the continued peaceful use of outer space and prevent outer space from becoming a zone of conflict. It should establish norms for responsible behavior in outer space. A code should be voluntary and non legally binding.
7. Participants discussed the comprehensive scope of a code and considered that it should not address issues of arms control under consideration within the framework of United Nations disarmament bodies. Participants expressed various views pertaining to the measures on space operations and space debris. In this context, there were divergent views expressed on how the right of self defence could be applied.
8. Many participants emphasized the importance of including in a code adequate measures for cooperation and facilitating the exchange of knowledge and technology, which could provide an important incentive to

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ensure the widest possible support for a code. It was emphasized that measures for ensuring the safety, security and sustainability of outer space activities should not hamper the ability of States, particularly emerging spacefaring nations, from accessing, using and exploring outer space.

9. Participants discussed issues pertaining to cooperation measures for increasing confidence and mutual understanding and enhancing transparency of outer space activities. They also expressed various views on measures providing for consultation and sharing of information.

10. Many participants stressed that the negotiations on a code should be conducted in an open, inclusive, participatory, transparent and non-discriminatory manner, allow for participation by all interested States and take into account the views of all States regardless of their level of development. They considered that negotiations on a code could only be pursued on the basis of a mandate by the United Nations and on a consensual basis.

11. The view was also expressed that a mandate to negotiate a code of conduct was contained in resolution 69/38 of the United Nations General Assembly welcoming the report of the UN Group of Governmental Experts on TCBMs in Outer Space Activities (A/68/189).

12. A number of participants expressed support for the draft code of conduct circulated by the European Union, dated May 2015, and considered that this draft should serve as the basis for negotiations. Other proposals were also made relating to such negotiations.

13. Various options for the forum for negotiations were discussed.

14. A number of participants noted that the Conference on Disarmament (CD) could be a forum for the negotiations on a code, due to its instruments that have included provisions on civil activities. Some participants also noted the limitations of the CD, which included its prioritization of negotiating legally binding treaties, its focus on addressing the prevention of an arms race in outer space, its persistent stalemate and its restricted membership.

15. Many participants considered that the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) could be a suitable forum for negotiating a code, for the presence of scientific, technical and legal expertise and the participation of nearly all spacefaring nations. A number of participants also noted the limitations of COPUOS, which included its focus on civil uses of outer space and its restricted membership.

16. Many participants considered that the United Nations General Assembly could be the most appropriate forum for negotiating a code, noting its universal membership and its ability to address all issues of a cross cutting, multi committee nature. It was suggested that an open-ended working group could rotate between Vienna, Geneva and New York in order to take advantage of the expertise available at each of those locations.

17. Some participants considered that negotiations on a code could be pursued through an ad hoc diplomatic process, with the endorsement of the United Nations. The view was also expressed that a group of States, with shared concerns, could continue negotiations to finalize a code of conduct open to other interested States.

18. It was the assessment of the Chair that, based on the discussions and considering the importance afforded to the principles of openness, transparency, universality and inclusiveness, the most supported way forward would be the pursuit of negotiations within the framework of the United Nations through a mandate of the General Assembly.