



西安交通大学法学院

XI'AN JIAOTONG UNIVERSITY SCHOOL OF LAW

6th IAASS Conference

China and An International Code of Conduct for Outer Space Activities

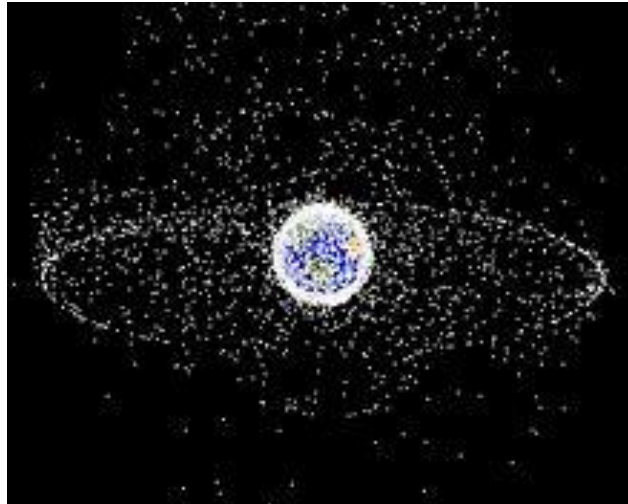
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Safety and Security of Outer Space

- Significant increase in the number of space actors
- A possible arms race in outer space



Main International Initiatives

- COPUOS Long Term Sustainability of Outer Space Activities
- China-Russia PPWT
- EU Draft Code of Conduct for Outer Space Activities



COPUOS Working Group

- French proposal in 2008
- A new agenda item of the COPUOS from 2010
- A formal Working group
- Four expert groups



COPUOS Working Group

- 1) Sustainable space utilization supporting sustainable development on Earth;
- 2) Space debris, space operations and tools to support collaborative space situational awareness;
- 3) Space weather;
- 4) Regulatory regimes, guidance for actors in the space arena.



China-Russia PPWT

- Draft Treaty on Prevention of the Placement of Weapons in Outer Space and of the Threat or Use of Force against Outer Space Objects (PPWT) in 2008



The EU Draft Code of Conduct

- The first draft: 2008
- The revised draft: 2010
- Endorsement by space-faring countries:
Australia, Canada, Japan...



The EU Draft Code of Conduct

The United States

- Not to sign the revised draft straightly
- To join with the EU and other nations to develop an International Code of Conduct for Outer Space Activities



The EU Draft Code of Conduct

China

- Insufficiently consulted in the drafting process.
- China's participation is vital to the achievement of its goal.
- It is in line with China's national interests and policy.



China and An Int'l CoC

The purpose

- **CoC:** “to enhance the security, safety and sustainability of all outer space activities”.
- **China’s policy:** using outer space for peaceful purposes and opposing weaponization or any arms race in outer space, and developing and utilizing space resources in a prudent manner and taking effective measures to protect the space environment, ensuring that its space activities benefit the whole of mankind.



China and An Int'l CoC

The soft-law nature

- China has been calling for a **legally binding instrument** to guarantee the security of outer space.
- It does not reject soft-law instruments categorically.



China and An Int'l CoC

The soft-law nature

- **Chinese Ambassador at the 66th session of UNGA:** TCBMs are not at odds at all with efforts to prevent an arms race in outer space, and such TCBMs are useful supplement to the legal instrument on prevention of weaponization of and an arms race in outer space.



China and An Int'l CoC

The soft-law nature

- Avoiding lengthy negotiations
- Promoting openness and building of confidence
- Creating a favorable environment



China and An Int'l CoC

Security

- Preamble: The European CoC could apply to all types of outer space activities.
- Section 1.2: the 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.



China and An Int'l CoC

Security

- Section 4.2: the Subscribing States commit in conducting outer space activities to, among others, refrain from any action which intends to bring about, directly or indirectly, damage, or destruction, of outer space objects unless such action is conducted to reduce the creation of outer space debris and/or is justified by the inherent right of individual or collective self-defense in accordance with the United Nations Charter or imperative safety considerations.



China and An Int'l CoC

Security

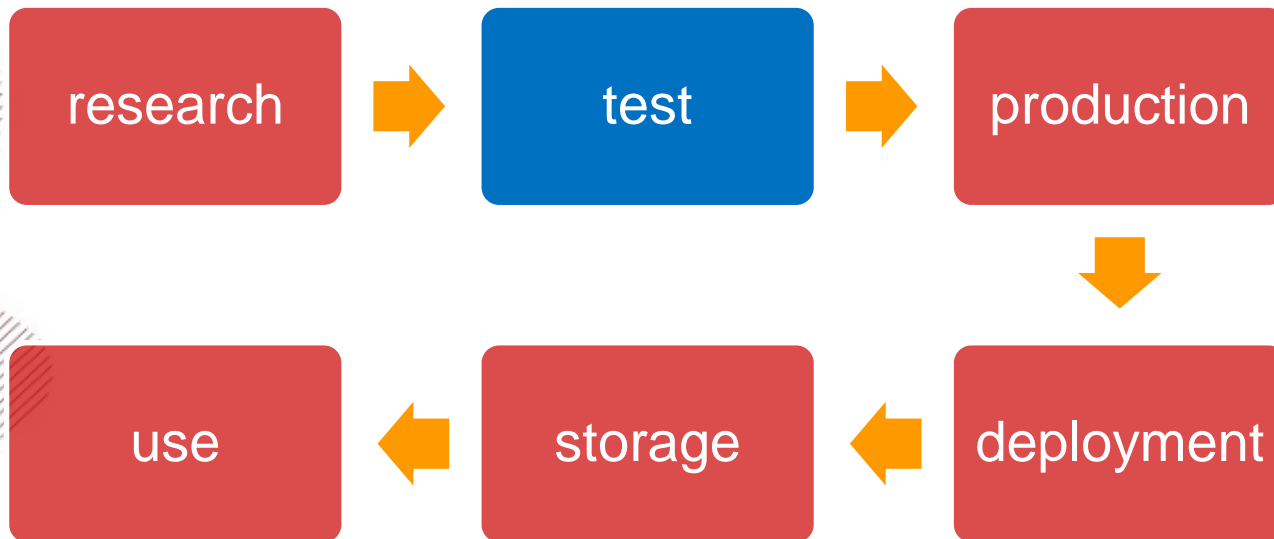
- PPWT: States Parties undertake not to place in orbit around the Earth any objects carrying any kind of weapons, not to install such weapons on celestial bodies, and not to station such weapons in outer space in any other manner; not to resort to the threat or use of force against outer space objects; not to assist or encourage other states, groups of states or international organizations to participate in activities prohibited by the Treaty.



China and An Int'l CoC

Security

- Anti-Satellite Weapons
- Space-to-ground Weapons



China and An Int'l CoC

Safety – European CoC

- Subscribing States commit to refrain from the intentional destruction of any on-orbit space object or other activities which may generate long-lived space debris.
- Subscribing State to adopt and implement, in accordance with their own internal process, the appropriate policies and procedures or other effective measures in order to implement the Space Debris Mitigation Guidelines of the United Nations COPUOS as endorsed by UNGA Resolution 62/217.



China and An Int'l CoC

Safety – China

- Tolerance for space environment, the need to harmonize the exploration and use of outer space with space environment with an eye toward the sustainable development of outer space.



China and An Int'l CoC

The Forum

- Outside the forum of the United Nations
- CD?
- COPUOS?

