



By Gerry Oberst

## Rules of the Road for Space

**Only a few months before a defunct** Russian Cosmos satellite smashed into an operational Iridium satellite, the Council of the European Union was debating a draft Code of Conduct for outer space activities designed to avoid such collisions and their resulting debris.

If ever put into practice, this code could perhaps spur greater cooperation to avoid such mishaps in the future.

In December, the Council adopted the draft code as a non-binding basis for consultation with other countries that have activities in outer space. Earlier, in September while the text was being massaged, the European Commission said the draft could be considered by United Nations bodies to serve as a model for further work.

The code's preamble acknowledges the important consequences of space technology, space telecommunications and their applications. While it refers to broad traditional goals, such as the peaceful use of the outer space environment, it also focuses on the specific concept of avoiding space debris.

Designed to be a voluntary measure that codifies best practices, the code sets out a list of principles that include the responsibility of countries to take all appropriate measures and cooperate in good faith to prevent harmful interference in outer space activities. The term "harmful interference" is best known to the satellite community in terms of radio spectrum rules, but the context of the code is broader and refers to avoiding collisions between bodies in space.

The code does not try to reinvent the wheel for international law in space but instead builds on the existing international framework, such as the 1967 Outer Space Treaty and 1972 Liability Convention. It also explicitly reaffirms the Constitution and Convention of the International Telecommunication Union (ITU), which is ironic because some EU member states were simultaneously trying to avoid reference to the ITU in amendments to the electronic communications regulatory framework.

Keeping with the theme of avoiding space debris, the code notes mitigation guidelines on space debris prepared by the United Nations Committee for the Peaceful Uses

of Outer Space. These guidelines have been endorsed by a UN General Assembly resolution but do not have the same status of the treaties and conventions adopted for outer space activities.

The code, if adopted, could raise the avoidance of space debris to a higher level of priority within the international order. A set of general measures laid out in the code calls on countries to establish and implement policies to minimize accidents in space, to refrain from action that could bring about destruction of outer space objects, and to adopt into their national law the UN guidelines. The code also would have to be adopted by European countries, because it has no legal binding force.

Among other responsibilities, the code calls on countries to notify others about any orbital changes or maneuvers and report any malfunctioning space objects that could lead to accidents. It also asks countries to share information and consult to minimize risks. These are worthy goals, but the Iridium-Cosmos accident shows there is a lot of information already available on orbiting debris — Iridium reportedly said it was receiving hundreds of incident reports a week about nearby debris. Nevertheless, the goal to share information and consult could lead to better long-term efforts to prevent or mitigate accidents.

As another long-term goal, the code suggests that countries "may propose" to create a mechanism to investigate proven incidents affecting space objects. The international community has found it difficult to agree on monitoring of space objects after years of debate, so this new mechanism may truly be long-term in scope.

The European Commission says it will bring this code to the attention of UN bodies and seek consultations with relevant countries. In February, the European Commission described the code to a UN Conference on Disarmament (even though the code has little to do with weapons in space), and a commission official responsible for space research presented the code to the International Space University annual symposium in February.

There are many steps to go before this code or something like it could set the "rules of the road" for outer space. The Iridium-Cosmos incident suggests such rules might be helpful. ▣

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