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The Prevention of the Placement of Weapons in Outer Space and the EU Code of Conduct: A new perspective on the international law of arms control in outer space



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On 12 February 2008, China and Russia jointly submitted to the Conference on Disarmament their draft Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects (PPWT 2008) in its Plenary Session. The fact and necessity of such proposal should be seen to reflect the fundamental shortcomings within the international law of arms control in outer space. Similarly it is a reflection of the fundamental failure and inadequacy of the Cold War negotiated Outer Space Treaty 1967 in relation to its arms control provision under Article IV. The PPWT 2008 aims at curtailing the use of weapons in outer space yet has no likelihood to be accepted by other great powers, in particular the US. The European Code of Conduct stemmed from the Portuguese European Presidency in 2007. The "Best Practice Guidelines for/Code of Conduct on Outer space Activities" advocated a "rules of the road" approach for which states will follow and adhere to in the course of space activities. The French Presidency document in 2008 further developed these principles. This international soft law approach will see much more support than the PPWT 2008 hard law approach, but may not be enough to ensure comprehensive security in space, or able to offer adequate guidance for space faring states generally.

Maria Pozza was called to the Bar of England and Wales in 2005. In 2009, she completed examination requirements towards recognition in New Zealand as a Barrister and Solicitor. She completed her Masters in International Studies at the University of Otago, where she is presently writing her PhD with the Faculty of Law and Department of Politics. Maria specialises in international law and relations of outer space. She is presently engaged in research concerning the International law and policy of arms control in outer space, the Square Kilometre Array project hosted by Australia, New Zealand and South Africa and the New Space Assets Protocol.

