

Legal Issues Related to Space Exploration (13)  
Specific legal issues of space exploration and exploitation (2)

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THE INTERNATIONAL LAW AND POLICY OF OUTER SPACE: TIME FOR A NEW SECURITY  
PERSPECTIVE

**Abstract**

This paper differs from the usual focus on outer space by presenting a new perspective on the question of space security. Thus far, space security, rather than being a solid pillar of international law, has been limited by shortcomings within the legal framework as embodied by the outer space treaties. This is partly because the treaties relating to outer space were conceived in the socio-political context of the Cold War and the race for the moon. Key terms such as “peaceful uses”, “peaceful purposes”, “weapons of mass destruction”, “space weapons” and “nuclear weapons”, were left undefined, remain ambiguous and allow for systematic circumvention of the spirit of the treaties.

There is a pressing need for agreement on definitions of such key terms and also possibly for a new space treaty drawn up in the present day, if space security is to be protected. Proliferating new space faring states add instability to the global arena in the absence of agreement on such definitions and treaties.

This paper analyses the development of the outer space treaties in the context of the above limitations. Archival material has been obtained from the restricted the New Zealand Ministry of Foreign Affairs and Trade (MFAT) files and reveals much concerning states’ security and political considerations during the negotiations for the outer space treaties. Permission has been given by MFAT to discuss these findings.