

57th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
6th Nandasiri Jasentuliyana Keynote Lecture on Space Law and Young Scholars Session (1)

Author: Prof. Jinyuan SU
Xi'an Jiaotong University School of Law, China, nnpercent@gmail.com

THE COMMITMENT OF NO FIRST PLACEMENT OF WEAPONS IN OUTER SPACE AND THE
THEORY OF MUTUALLY ASSURED DESTRUCTION

Abstract

On 1 July, 2013, the Russian Federation and the Republic of Indonesia issued a joint statement in which they made a commitment on the no first placement of weapons of any kind in outer space, and called upon Outer Space-faring Nations to follow their example. This approach of arms control, fresh in outer space, echoes the theory of Mutually Assured Destruction in the non-proliferation of nuclear weapons. In the scholarly arena, it has been argued that as the outer space environment is inherently fragile and any use of space weapons could have the effect of risking space assets of every space-faring nation, hence the theory of MAD as applied to the space environment supplies enough deterrence to prevent the widespread use of space weapons without the need for additional international agreements. This article attempts to interpret such a unilateral commitment as to its legal force and legal implications, and compare the approach of MAD with the hard-law approach and the soft-law approach of space arms control, as exemplified by the PPWT and the European CoC respectively.