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IS CURRENT INTERNATIONAL HUMANITARIAN LAW SUFFICIENT TO REGULATE A
CONFLICT IN OUTER SPACE?

Abstract

In the world where we are becoming ever more reliant on space assets, the reality of outer space as a contested domain is one that is now a possible reality. The shift of key tools, such as military communications, into the space domain has significantly increased the potential military advantage of engagement in the outer space arena. Coupled with this, the rapid technological advances of the last 50 years has led to an expansion of the options for belligerent conduct in the space environment that are now, or will be soon, available.

The impacts of a space conflict have recently been given renewed prominence in light of the testing in 2007 of a kinetic anti-satellite weapon and the recent collision between the Iridium 33 and Cosmos 2251 satellites. Above all, the impact of space debris on space traffic, civil and military alike, has been highlighted as a concern for future space activities.

The debate as to whether or not outer space should remain un-weaponized and a preserve solely for peaceful uses is a polemic which often bogs down analysis on space regulation and stalls effective examination of the legal hypothetical of space conflict.

The paper closes by highlighting the value of attempting to close any such lacunae for the international policy perspective, highlighting the role of international law as a reflection of international policy.