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FROM STAR WARS TO SPACE WARS—THE NEXT STRATEGIC FRONTIER: PARADIGMS TO
ANCHOR SPACE SECURITY

Abstract

The increasing militarization and weaponization of outer space poses difficult legal questions and also represents a rapidly crystallizing danger to international peace and security. Creators of the extant legal regime for space failed to foresee the rapid rate at which technological and engineering breakthroughs would take place availing dual use technological capabilities not just to major powers but medium powers and extending to private industrial entities. The fear of an arms race being undertaken in space is now very real. Recent developments in harnessing space for military uses by the main space-faring States—United States (“US”), Russia and China—has heightened regional and international angst coupled with the capacity of private entities in mastering and advancing technology along this spectrum. The increasing reliance by major powers for military superiority (and hence) security on space assets has been negative. The net result has been to spur a variety of other actors ranging from the European Union to Iran and India to re-examine the role of space assets not simply in “traditional” outer space utility areas such as telecommunications, weather forecasting and remote sensing but the multiplier effect on military capabilities.

Military blueprints of major and emerging powers now encapsulate concepts of “space support” and “force enhancement” which point to the central role (particularly in the 21st Century) of space assets in facilitating and enhancing military operations; while notions of “space control” and “force application” suggest the weaponization of space. The central theme of this Conference Paper is that the weaponization of space and its evolution into a distinct theatre of military operations is likely given the reliance on space systems in buttressing a variety of military capacities and capabilities. The Conference Paper is premised on the fact that there is a serious legal deficit in the absence of specific international norms restricting outer space becoming a battlefield. In light of this reality, the Conference Paper explores avenues through which the militarization of space may be regulated. It addresses this matter through four main spectra: re-orientating the United Nations peace and security framework, embracing tenets of coercive arms control, resolving the “peaceful purposes” conundrum and finally harnessing doctrines underpinning International Environmental Law to space activities.