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THE MANUAL OF INTERNATIONAL LAW APPLICABLE TO MILITARY USES OF OUTER SPACE

**Abstract**

The Manual of International Law Applicable to Military Uses of Outer Space (MILAMOS) is being jointly developed between The University of Adelaide (in Australia) and McGill University (in Montreal, Canada) as 'Founding Institutions', but with a number of other institutional players being involved. The production of such a Manual is critical and timely given the international community is increasingly recognizing that warfare conducted in, to and from outer space, is both foreseeable and potentially highly damaging to national security interests as well as civilian activities on Earth and space. Despite this, there has been insufficient research and a lack of clarity on the interactions between international space law and the law relating to the Use of Force and International Humanitarian Law. Recent attempts to address this uncertainty, by attempting to negotiate new international instruments have stalled (for example the draft International Code of Conduct for Outer Space Activities and the draft Treaty on the Prevention of the Placement of Weapons in Outer Space). The European Union, Russia, China and the United States have each tried to make progress on a new international instrument, but in spite of the apparently common desire to address the worrying trend towards conflict in outer space, the international community appears to be irreconcilably divided by their individual national security interests, rather than united by a common cause. This seems likely to continue for the foreseeable future. In grappling with issues relating to Use of Force and Armed Conflict in Space the Manual will need to navigate a number of complex methodological issues. Questions relating to the application of IHL (according to its own terms) to outer space are a threshold issue. Other key topics include review of comparative regimes relating to IHL liability and Space law accountability, examining the development of rules of hierarchy in the context of armed conflict on pre-existing treaty regimes, the role of subsequent State practice in the context of Treaty interpretation within the outer space environment, the significance of private and public actors in developing such subsequent practice and the role of analogy to other treaty regimes in forging an authoritative resolution of the interplay between the OST and IHL in specific contexts.