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Author: Prof.Dr. Yun Zhao
The University of Hong Kong, Hong Kong SAR, China

Dr. Shengli Jiang
Sina, China

ARMED CONFLICT IN OUTER SPACE: INTERNATIONAL HUMANITARIAN LAW AS A
SOLUTION?

Abstract

Armed conflict in outer space could happen in two scenarios: firstly, a state may rely on relevant data obtained from the satellites to strengthen the effectiveness of its military action; secondly, a state may use either space-based or ground-based space weapons to attack a military target. Legally speaking, the above two scenarios constitute the use of force as defined in international law rules. From jurisprudential point of view, the extension of the right to self-defense to armed conflict in outer space provides a potential legitimate basis for the use of force in outer space, which is indirectly confirmed in the 1967 Outer Space Treaty. In view of the potentially serious consequences arising from armed conflicts in outer space, general principles and rules in international humanitarian law (including the limitation principle, the distinction principle and the proportionality principle), apart from space law, shall similarly apply to the situation of armed conflict in outer space.