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SPACE FORCE: THE HARBINGER OF COLD WAR 2?

Abstract

The US Space Force, established recently, is the sixth arm of the US Military. While the Force has not yet engaged in military activities in Outer Space, its parent act, the National Defence Authorisation Act, 2020, does not preclude the possibility of placing weapons, deploying trained personnel or even constructing bases in Outer Space. Further, it is pertinent to note that the legislation does not provide for undertaking dedicated risk assessments, which are required in order to anticipate and prevent harm to the space environment. These possibilities pose a serious threat to the peaceful use of outer space.

Even though self-defence is often considered to be an inherent right of a State, the authors believe that the act of establishing commands and training individuals for warfighting missions in space is currently unnecessary, since such a practice has not been adopted by other space-faring nations. The institution of such a military force by the United States would lead to the creation of similar forces by other States, thereby resulting in the violation of the object and purpose of the Space Treaties – the peaceful use of Outer Space. It is our view that this will lead to a new arms race in Outer Space, which would further result in a circumstance where weapons in Outer Space would be inevitable and irreversible. Furthermore, the recent NATO statement declaring Space a warfighting domain harms the prospects of peace. The US has claimed that the establishment of this force was in response to the increasing threat posed by Russia and China. These two countries, however, have always vehemently opposed the militarisation of Outer Space.

There are also serious lacunae in the definition of weaponization, as there is only a comprehensive prohibition on the placement of weapons on celestial bodies, not in Outer Space itself. Further efforts by the international community to comprehensively prevent the placement of weapons through the PPWT have not been successful. Therefore, in order to keep Outer Space as a conflict-free zone, this paper aims to analyse the existing legal framework in light of recent developments, looks for solutions in general international law, and seeks to apply the same to the realm of outer space.