

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
 Young Scholars Session with Keynote Lecture (1)

Author: Mr. Nicolas Moraitis
 Charter, United Kingdom, nicolas@charter.space

Mr. Danilo delle Fave
 Space Generation Advisory Council (SGAC), Italy, mavoris13@gmail.com
 Mr. David Eagleson
 International Institute of Air and Space Law, Leiden University, United Kingdom, dte24@cantab.ac.uk
 Ms. Roser Almenar
 Space Generation Advisory Council (SGAC), Spain, roser.almenarrodriguez@spacegeneration.org
 Mr. Ata Türkfiliz
 Space Generation Advisory Council (SGAC), Germany, atonline3@gmail.com
 Mr. Rodrigo Chacón B
 Space Generation Advisory Council (SGAC), Costa Rica, rodcb99@gmail.com
 Ms. Pervin Seker
 Space Generation Advisory Council (SGAC), Türkiye, pervin-seker@hotmail.com
 Ms. Dana Conzato
 Italy, danaconzatokeran@gmail.com
 Mrs. Alice Tommasi
 Space Generation Advisory Council (SGAC), Italy, alice.tommasi@studenti.luiss.it

THE NON-PEACEFUL USE OF COMMERCIAL SATELLITES: EXISTING ISSUES AND NEW
 CHALLENGES FROM A LEGAL AND POLICY PERSPECTIVE

Abstract

This paper examines the utilisation of commercial satellite systems and the data they can gather through their operations in times of war. It is the work of a multinational team of students and young professionals, carried out as part of the Space Law and Policy Project Group of the Space Generation Advisory Council (SGAC). The analysis has a dual focus: 1) presents relevant provisions of applicable international (space) law and 2) describes real-life situations and strategic actions based on different legal interpretations. The main motivation of this research is the rising use of commercial satellites for military objectives that has created a hazardous spill-over effect, threatening the consensus on the peaceful use of outer space.

The paper begins by assessing the relevant provisions of international space law treaties and other sources of international law, based on their legal significance and effect in the conduct of space operations. The research focuses on showcasing the different meanings that these norms have been given and their applicability during State warfare. Afterwards, this paper evaluates the potential legal status and consequences for any action against a commercial space system *in bello*.

Following the initial assessment and evaluation, the paper then presents examples of past instances, which include various commercial satellite systems, or data collected by them, along with differences in the corresponding decision making processes and the strategic planning around those systems. Furthermore, it lists some international initiatives that aim on transparent utilisation of dual-use space technologies. Taking into consideration some major arms control regimes that are currently in place, along with other

types of initiatives for transparency and anti-proliferation policies, the paper will provide an overview of the issue and actions taken to date to address it.

This research seeks to assess the issue of commercial satellites' involvement in State warfare from both a legal and a policy perspective. It presents the long-standing treaty precedent and its applicability, without neglecting some more recent developments that have occurred in the area of international policy. In its conclusion, the paper synthesises key legal and policy insights to form the foundation of a directly applicable international regime for commercial satellites, capable of serving State objectives in times of conflict.