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THE LEGAL OBLIGATION FOR STATES TO TAKE INTO ACCOUNT LEGAL AND
SUSTAINABILITY RULES IN CONDUCTING MILITARY SPACE OPERATIONS**Abstract**

Outer space is a particularly important international zone for states, whether space powers or not. For a long time a zone of cooperation between the great powers, space is increasingly becoming a zone of confrontation. The logic of blocs has been strengthened, with China replacing Russia in this race, and private players now playing a predominant role. In a complex geopolitical context, the primordial and sovereign importance of space activities, and therefore of their defense, is becoming increasingly apparent. The war in Ukraine is a perfect example. The development of military space operations to protect all these space infrastructures is therefore essential.

While a brief analysis of space law might lead to the hasty conclusion that military space operations are not regulated, it is worth recalling Article III of the OST, which makes all public international law applicable to space. This means that war is prohibited (with the exception of the Security Council and self-defence) and that international humanitarian law (Geneva Convention) must be taken into account. Moreover, space law itself, although incomplete in certain respects, provides a partial framework for military space operations (art. IV, among others). Faced with these binding legal norms, military space operations cannot develop outside the law, and the latter cannot simply be ignored. The preservation of international peace and security depends on it.

But limiting ourselves to the legal framework alone is not enough, and the rules governing the sustainability of space activities, most often enshrined in flexible legal instruments, must also be taken into account. First of all, we need to prove that these rules of space sustainability are indeed binding on States (principle of due diligence, free access to space, sovereign equality, principle of cooperation...), before showing that logically, space powers must follow these rules to avoid endangering their own space infrastructures (harmful interference, space debris, safety standards...). Sustainability must be an integral part of military space operations.

These rules of legality and sustainability must be determined and analyzed so that states can carry out their military space operations within a precise legal framework, while complying with their international obligations so as not to jeopardize their international responsibility, and without endangering international peace and security.