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EXPLORING THE APPLICABILITY OF THE LAW OF NEUTRALITY IN THE OUTER SPACE

Abstract

Neutrality has been defined “as the attitude of impartiality adopted by third States towards belligerents and recognized by belligerents, such attitude creating rights and duties between the impartial States and the belligerents. ”The overall object and purpose of the law of neutrality is to prevent escalation of an international armed conflict. The application of the law of neutrality in outer space covers a relatively niche but increasingly important area of legal scholarship. As outer space activities intensify, particularly in the domains of politics, military and commercial use, legal scholars and policymakers have explored how traditional principles of neutrality, established under international law, apply to space activities. The geopolitical rivalry of outer space and the law of neutrality are critical aspects of international relations and legal frameworks governing the use of space. Theresa Hitchens (2017) explores these issues in her article, *Anti-Satellite Weapons and the Outer Space Treaty*, published in *Arms Control Today*. Hitchens focuses on the development and testing of anti-satellite (ASAT) weapons by various nations and how their use in a conflict could challenge the neutral status of space assets. She argues that existing space law does not adequately address the use of such weapons and that neutrality law in space is further complicated by the dual-use nature of space technologies, where civilian satellites are often used for military purposes. Several scholars, including Fabio Tronchetti (2016), highlight the lack of comprehensive legal frameworks specifically addressing neutrality in outer space. Tronchetti, in his work *Fundamentals of Space Law and Policy*, notes that while the OST and subsequent treaties provide a foundation, they fall short of addressing detailed rules for the protection of neutral states in space-related conflict . As space becomes increasingly militarized and competitive, the need for new treaties and international agreements to address these issues grows. Scholars advocate for greater multilateral cooperation to ensure that outer space remains a domain of peaceful exploration rather than one of conflict and competition. This paper reveals an emerging consensus on the importance of updating international space law to account for modern realities, including the role of non-state actors and new technologies. The law of neutrality, in particular, needs further elaboration to ensure that it can address the complexities of space conflict in a rapidly changing geopolitical and technological landscape.