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THE RIGHT OF SELF-DEFENCE IN OUTER SPACE

**Abstract**

There is no doubt that the right of self-defence has full validity in outer space. If all space activities, according to the 1967 Outer Space Treaty (OST), shall be conducted in accordance with international law, including the UN Charter, it is logical and natural that the customary law of self-defence and as well as all dispositions of Article 51 of UN Charter on this principle are also valid in outer space. The great question is how to apply the right of self-defence in outer space, taking into due account not only the pertinent requirements of international law, but also the outer space environment's huge specificities, as well as the peculiarities of human activities there conducted. The right of self-defence can be used exclusively to repulse an "armed attack" and within the legal limitations of necessity, imminence, and proportionality. This attack means an act of aggression, which was defined by the UN General Assembly, in 1974, as "the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State". An armed attack in outer space will certainly be an act of aggression of one or more launching States against space objects launched by one or more States and registered by one of them, the State of registry, which retains sovereign rights of jurisdiction and control over them (Art. VIII of OST). In accordance with the UN Charter, all launching States connected to the space objects which suffered an armed attack, presumably have the right of self-defence to repel aggression, but only until the UN Security Council has taken measures necessary to maintain international peace and security. Is the Security Council prepared to take appropriated action in such a case? If not, who will determine the existence of an act of aggression and decide what measure shall be taken to restore international peace and security? The States in conflict according to their own criteria and interests? The present paper attempts to provide an answer to this and other crucial questions related to the use of force and the right of self-defence in outer space, although the author is convinced that the best solution is just not use force in outer space.