

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

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NEWSPACE: THE STAR WARS SOLDIER OF THE FUTURE?

Abstract

Outer space has been used for military purposes since the dawn of the Space Age, but the 2022 Russo-Ukrainian highlighted the increasing and potentially problematic involvement of non-State actors (NSA) in military space activities. To illustrate, SpaceX provided its Starlink service to Ukraine. If Ukraine were to use Starlink for military purposes, Starlink would become a valid military target for Russia under the law of war. However, according to OST Article VI all national space activity is the responsibility of the State, which is tasked with authorizing and continuously supervising OST compliance for non-governmental space activity. This could influence the law of neutrality. Therefore, this article will analyze the (appropriate) law of war, the law of State neutrality and OST Article VI, supplemented with examples of national legislation on authorisation and supervision, to establish the scope of State responsibility for NSA space activity and its interaction with the first two.