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Underpinning the Foundations of Space Security

# Legal and Diplomatic Aspects of Space Security—OST and Article 51 of the UN Charter

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# I. **LEGAL** aspects of space security

***UN GA Resolution 1348 (XIII), 1958:***

The General Assembly [recognizes] the common interest of mankind in outer space and that it is the common aim that outer space should be used for peaceful purposes only.

# ***The Outer Space Treaty (OST)***

## **Article I:**

- Exploration and use of outer space shall be carried out for the benefit and in the interests of all countries
- Outer space shall be free for exploration and use by all States without discrimination
- Freedom of scientific investigation in outer space

## ***The Outer Space Treaty (OST)***

### **Article IV:**

States Parties to the Treaty undertake not to place in orbit around the earth **any objects carrying nuclear weapons or any other kinds of weapons of mass destruction**

## ***The Outer Space Treaty (OST)***

### **Article IX:**

In the exploration and use of outer space, including the moon and other celestial bodies, ***States Parties to the Treaty shall be guided by the principle of cooperation and mutual assistance and shall conduct all their activities in outer space, including the moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty.***

## ***The Outer Space Treaty (OST)***

### **Article III:**

States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the moon and other celestial bodies, in accordance with international law, **including the Charter of the United Nations**, in the interest of maintaining international peace and security and promoting international co-operation and understanding.

# *Charter of the United Nations*

## **Article 51**

Nothing in the present Charter shall impair **the inherent right of individual or collective self-defence** if an **armed attack** occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.



## ***Vienna Convention on the Law of Treaties:***

### ***Article 31 – General rule of interpretation***

A treaty shall be interpreted **(1)** in good faith **(2)** in accordance with the ordinary meaning to be given to the terms of the treaty in their context and **(3)** in the light of its object and purpose.



## **II. DIPLOMATIC aspects of space security**

## **Space security is discussed in:**

- **COPUOS (LTS)**
- **CD (PPWT, NFP)**
- **First Committee**
- **Fourth Committee**



## **STSC COPUOS, 52<sup>nd</sup> session, 2015**

**A/AC.105/C.1/2015/CRP.22**

**“Achievement of a uniform interpretation of the right of self-defence in conformity with the United Nations Charter as applied to outer space as a factor in maintaining outer space a safe and conflict-free environment and promoting the long-term sustainability of outer space activities”**

*Working paper submitted by the Russian Federation*

# Conclusions

- 1. Unilateral / ambiguous interpretation of the existing space law provisions by national policies and doctrines endangers the fundamentals of the regulatory regime of space activities**
- 2. A wide international discussion is needed to reveal, analyze and regulate the whole range of aspects on application of the right of self-defence in outer space**
- 3. The final aim is to prevent “star wars” by enhancing confidence in space and ensuring safety and long-term sustainability of space activities**

***“I wish theoreticians  
to develop the most  
just legal provisions  
on space”.***

***Practitioner Yuri  
Gagarin***





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**Thank you for your  
attention!**