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HOW WE CAN REGULATE MILITARY ACTIVITIES IN OUTER SPACE

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Outer Space Treaty, formally called “Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies” provides the peaceful use of outer space as below; “The Moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies shall be forbidden.” (Article IV) and “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, install such weapons on celestial bodies, or station such weapons in outer space in any other manner.” (Article IV)

Moon Agreement, formally called “Agreement Governing the Activities of States on the Moon and Other Celestial Bodies” also provides “The Moon shall be used by all States Parties exclusively for peaceful purposes.” (Article 3(1)) and “The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on the Moon shall be forbidden...” (Article 3(4))

These regulations for peaceful use and purpose of outer space are fundamental and important for international society to protect the province of all mankind, outer space, from the militarization. However, peaceful use can have a wide range of interpretations from “non-aggressive” to “non-military” [8]. The concept of “non-military” may fit the bans of military use of outer space, but how about the concept of “non-aggressive”? Should only aggressive activities be banned? And how can we consider what kind of activities are aggressive?

These interpretations by each nation will be changed easily in association with its’ variety policies, and will make international cooperation and decision-making more difficult about the peaceful use of outer space.

The space technologies have been growing fast and what nations are capable of in outer space will be becoming widely and strongly, therefore it will be more difficult to distinguish whether some activities are military use or simply commercial/civil use. For example, the web page of GPS.gov (Official U.S. government information about the Global Positioning System (GPS) and related topics) has an interesting Q&A about the satellites; “Is GPS under U.S. military control?” and the answer is “Though acquired and operated by the Department of Defense, GPS is a multi-use system owned by the United States Government...The outstanding performance of GPS over decades has earned the confidence of millions of civil and military users worldwide” [4]. The argument of military or civil use of outer space is getting obscured. If a nation starts to create a base on Moon and claims that it’s not for military but for research or for peaceful purpose, how can we distinguish these differences? We will face to such real questions soon enough.

One of the most famous Space Force might be the United States Space Force (USSF). USSF webpage describes that “The USSF is the newest branch of the Armed Forces. It was established December 20, 2019” and its mission is “USSF responsibilities include developing Guardians, acquiring military space systems, maturing the military doctrine for space power, and organizing space forces to present to our Combatant Commands” [10].

Currently, there are still many difficulties for any Space Forces to conduct activities in outer space freely due to the technology issues, however it is already possible for Space Forces to select some military options from on earth to outer space like anti-satellite weapons. There are some questions here; Will it be allowed for Space Forces to use weapons, missiles, and so on to stop the military use of outer space by another nation? How about using non-mass destruction weapons either for military use or to stop the military use? Also, is it possible to distinguish between the attack from the ground to outer space and the attack from outer space to outer space?

What Space Force can do is controversial and the balance between the space law must be more difficult from now on.

Interpretation of how to use outer space is controversial and we have to think about many aspects of peaceful use /purpose of outer space, because the concept of them must be on a fragile balance under the advancing space technologies, nations' space policies, and international competition. International society should cooperate and consider about how to protect the continuous peace of outer space as a real issue which happens soon and how to protect the meaning of space law. We could be an attacker or protector of the peaceful use of outer space and either way, we will face a difficult steer.

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