

Space Through the Lens of Neutrality

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Introduction

There are rules on land warfare, on air warfare, on maritime warfare, but how to apply these rules, and the more general ones, to a domain like space?

The various use and ownership configurations relevant for neutrality of space activities

- Distinction between in orbit infrastructure and supporting ground infrastructure
- Specialization of the space activity in question
- Distinction based on ownership/home state

Applying IHL

1. Does IHL apply?

2. How does IHL apply?

- ❖ Art. 8 Hague Convention V
- ❖ Art. 9 Hague Convention V
- ❖ Art. 3 Hague Convention V

Applicability of the IHL norms

1. Satellites as targets and the risk of collateral damage	7. Infrastructure belonging to neutrals and only indirectly used by belligerents
2. Belligerent infrastructure used for military and civilian purposes	8. In-orbit servicing vehicles
3. Infrastructure belonging to belligerents but also used by neutrals	<u>9. Ground Infrastructure:</u>
4. Infrastructure belonging to neutrals but used by belligerents for military purposes/for civilian purposes	a) Neutral state controls neutral satellite
5. Infrastructure belonging to neutrals but carrying belligerent hosted payloads	b) Neutral state controlling belligerent satellite
6. Infrastructure belonging to belligerents but carrying neutral hosted payloads	c) Belligerent state controlling neutral satellite

Space law and general international law applied to the neutrality situation

1. The Lotus Case Principle

2. The Outer Space Treaty

- The Province of all Mankind
- Original Position Theory



Thank you for your attention!

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