Threat or Use of Force in Outer Space

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Overview

1. Introduction to jus ad bellum
2. Articles 2(4) and 51 of the UN Charter
3. How they can be applied in outer space

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Article 2(4)

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

- Customary international law
- Jus cogens
- Outer Space Treaty article III: international law and UN Charter apply in space



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Article 51

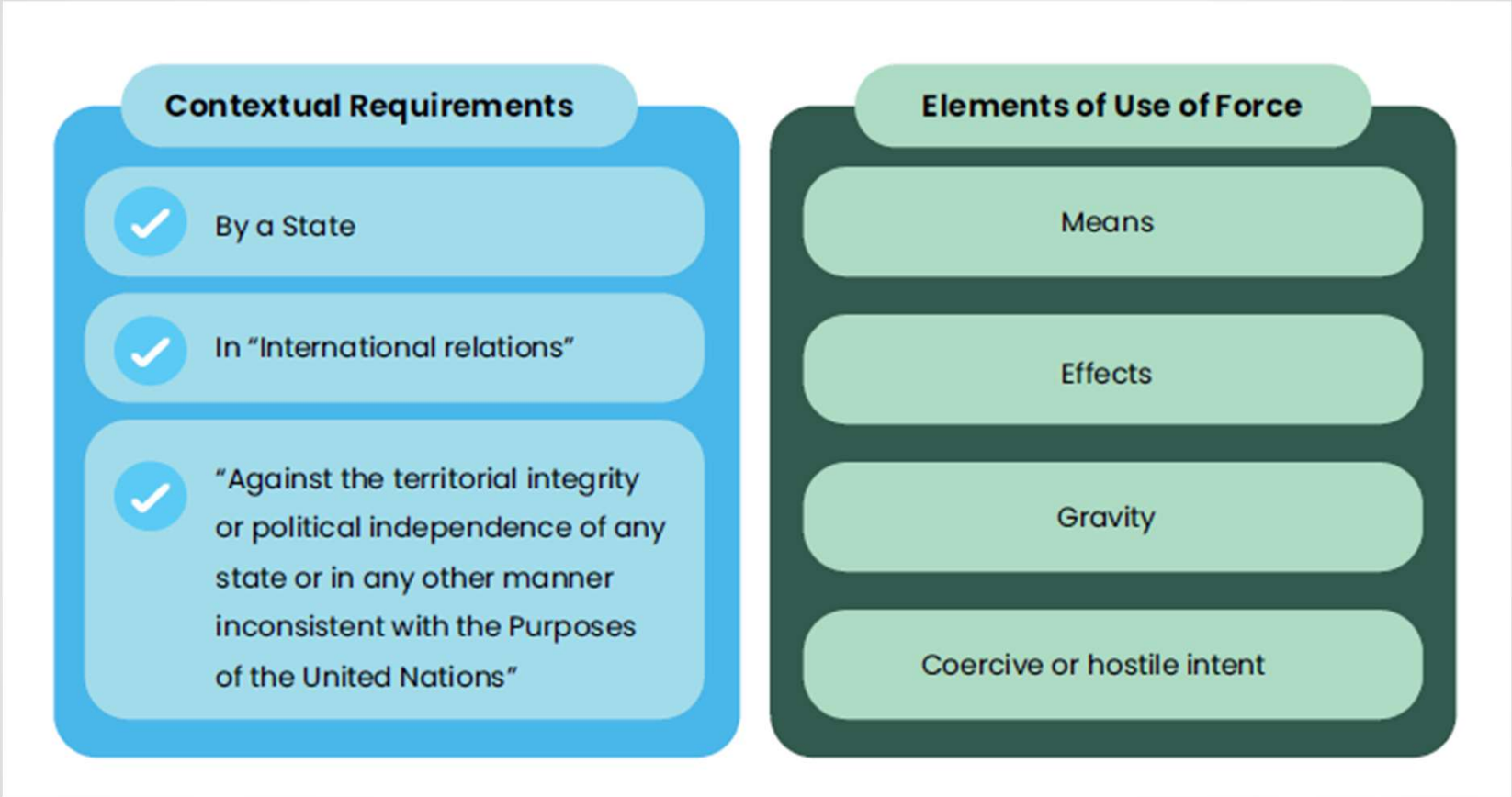
Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. …

- Subject to necessity and proportionality



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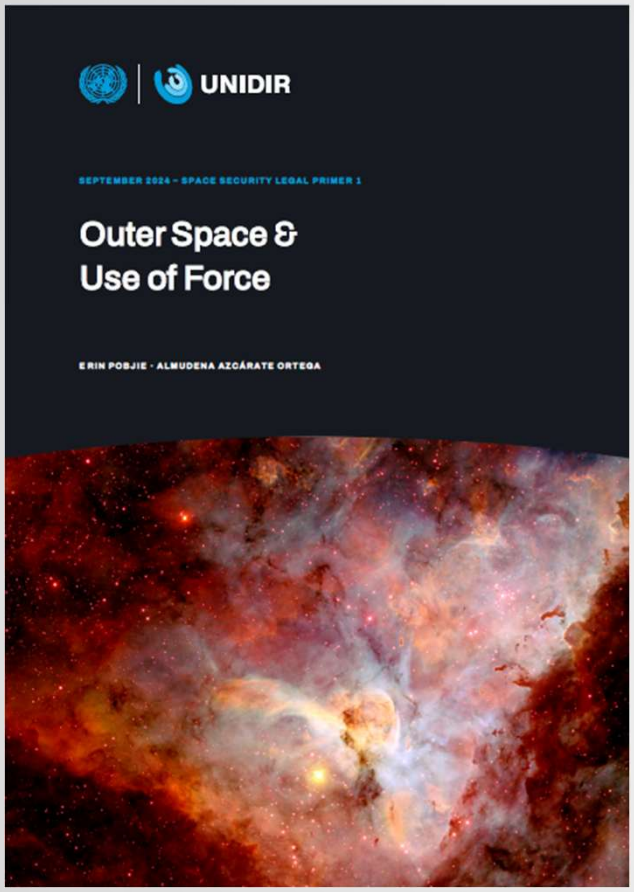
Article 2(4): Elements of prohibited force



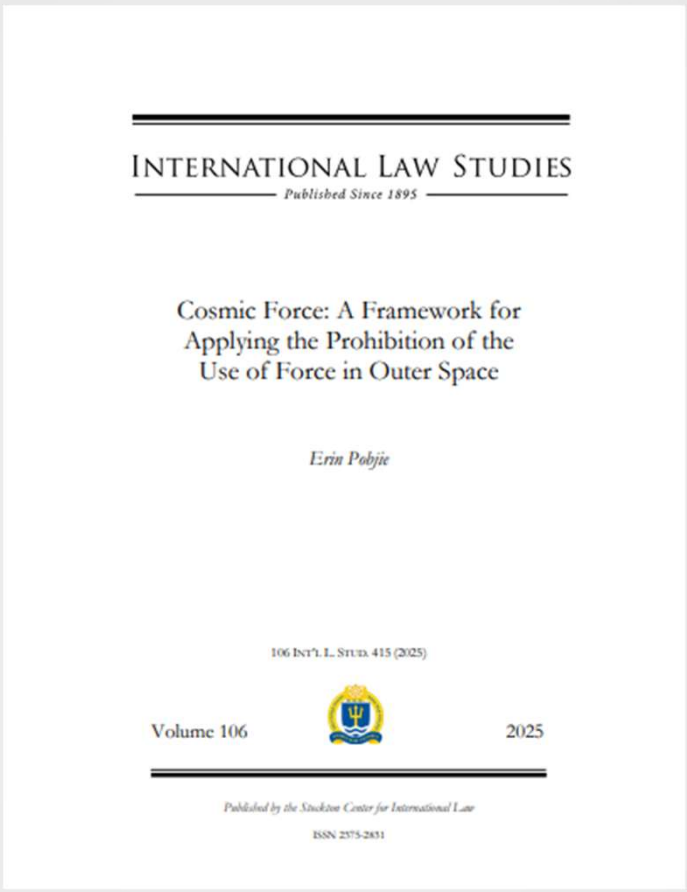
Graphic from E Pobjie and A Azcarate Ortega, 'Outer Space and Use of Force' (UNIDIR 2024)

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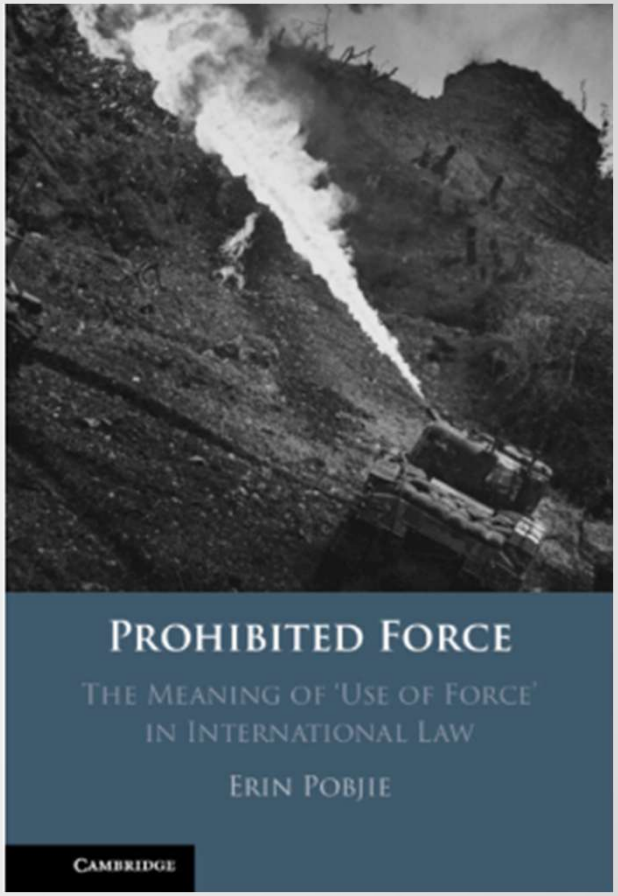
Further resources



https://doi.org/10.37559/WMD/24/Space/02



https://digital-commons.usnwc.edu/ils/vol106/iss1/13/



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