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**THE LEGALITY OF WEAPONISATION OF OUTER SPACE?**

by

Joyeeta Chatterjee

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**ABSTRACT**

Since the beginning of the space era, the twin space powers of United States and Soviet Union have been engaged in developing space systems with growing military characteristics and catastrophically destructive powers. With the emergence of increasing actors in the space sector and controversial practices such as use and deployment of weapons in outer space in the guise of dual-use space applications, this matter has now acquired serious implications and given rise to more widespread concerns.

This paper will review certain international and domestic legislations governing the issue of weaponisation of space, from the perspective of determining its legality or illegality. While analyzing the existing legal provisions, this study will not only be based on Article IV of the Outer Space Treaty, which is the seminal mandate on this issue, but will also take into account Article III of the treaty, Charter of the UN and several other relevant legal instruments, including decisions of the International Court of Justice.

The above examination and analysis of the legal concepts will be extrapolated to verify the (il)legality of certain controversial practices such as Anti-Satellite testing, use of space-based interceptors, inter-continental ballistic missiles systems, that have been developed or are being developed by several nations, particularly China and India. .

The paper will conclude with suggestions regarding dealing with military confrontation in outer space through collective collaborative efforts by the established as well as emerging space actors on the global scene. While development of a treaty with adequate support from the spacefaring nations might be an ideal approach to address this issue, it is too ambitious to be practically attainable. Hence, a bottom-up approach is suggested to remedy the situation through the adoption of globally accepted guidelines or directives on a domestic level, thereby catering to the versatile requirements and wants of each particular national space programme.