

**THE MILITARIZATION & WEAPONIZATION
OF OUTER SPACE—FROM PLAYGROUND TO
BATTLEGROUND: LEGAL PERSPECTIVES ON
THE USE OF FORCE**

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CERTIFICATE OF AUTHORSHIP/ORIGINALITY

I certify that the work in this Thesis has not previously been submitted for a degree nor has it been submitted as part of requirements for a degree except as fully acknowledged within the text.

I also certify that the thesis has been written by me. Any help that I have received in my research work and the preparation of the Thesis itself has been acknowledged. In addition, I certify that all information sources and literature used are indicated in the Thesis.

DISCLOSURE STATEMENT

This Thesis developed from a prior publication, Jackson Maogoto, “The Military Ascent into Space: From Playground to Battleground: The New Uncertain Game in the Heavens”, *Netherland International Law Review*, (2005), 461-488. Select passages from that publication appear in the Thesis. Where passages or sentences from the Article do appear full acknowledgment is made via footnote referencing.

Signed

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TABLE OF ACRONYMS

<i>ABM</i>	Anti-Ballistic Missile
<i>ABM Treaty</i>	Treaty on the Limitation of Anti-Ballistic Missile Systems
<i>AEC</i>	Atomic Energy Commission
<i>ASAT</i>	Anti-Satellite
<i>BMD</i>	Ballistic Missile Defence
<i>CAV</i>	Combat Aero Vehicle
<i>COPUOS</i>	Committee on the Peaceful Uses of Outer Space
<i>CVBG</i>	Carrier Battle Group
<i>DoD</i>	United States Department of Defense
<i>EELV</i>	Evolved Expendable Launch Vehicle
<i>EMP</i>	Electro-Magnetic Pulse
<i>EU</i>	European Union
<i>GPS</i>	Global Positioning System
<i>ICAO</i>	International Civil Aviation Organization
<i>ICBM</i>	Inter-Continental Ballistic Missile
<i>INMARSAT</i>	International Mobile Satellite Organization
<i>MAD</i>	Mutual Assured Destruction
<i>MIRVs</i>	Multiple Independently Targetable Re-entry Vehicles
<i>NASA</i>	National Aeronautical and Space Agency
<i>NCA</i>	National Command Authorities
<i>NMD</i>	National Missile Defence
<i>NSDD 42</i>	National Security Decision Directive No 42
<i>NSPD 1</i>	National Space Policy Directive No 1
<i>OOTW</i>	Operations Other Than War
<i>PLA</i>	People's Liberation Army
<i>SALT I</i>	Strategic Arms Limitation Talks Agreement I
<i>SALT II</i>	Strategic Arms Limitation Talks Agreement II
<i>SDI</i>	Strategic Defense Initiative
<i>SOV</i>	Space Operated Vehicle
<i>START I</i>	Strategic Arms Reduction Treaty I
<i>START II</i>	Strategic Arms Reduction Treaty II
<i>TMD</i>	Theatre Missile Defence
<i>UAV</i>	Unmanned Aerial Vehicle
<i>UN</i>	United Nations
<i>UN Charter</i>	Charter of the United Nations
<i>UNIDIR</i>	United Nations Institute for Disarmament Research
<i>UNISPACE 82</i>	United Nations Conference on the Exploration and Peaceful Uses of Outer Space
<i>US</i>	United States
<i>USAF</i>	United States Air Force
<i>USSPACECOM</i>	United States Space Command
<i>WMDs</i>	Weapons of Mass Destruction

ABSTRACT

The Thesis carries out a critical analysis of the militarization and weaponization of space and its intersection with the international legal regime. It juxtaposes technological advances with the tenets of the United Nations Charter and analyses technological breakthroughs in the weaponization of space against the landscape of the 'peaceful purposes' mantra that underpins the Space Law regime. It highlights the fact that the international arena now has a new game in the making for which it is in many ways ill equipped to handle with dual purpose technology having capabilities for both defensive and offensive purposes. The Thesis consolidates and critiques the initiatives of space faring nations in their endeavours to develop integrated battle platforms through the co-option of space-based sensors, space and missile tracking and deployment of hypervelocity kinetic weapons in outer space.

At the heart of the Thesis is the argument that there is a need to develop and enshrine new principles in order to plug the lacunae in the current regime on the use of force to enhance its capacity to govern the means and methods of space warfare, or at the very least to clarify to what extent the tenets of general international law apply directly to outer space. This will allow the international community to deal with a phenomenon which has quickly moved from fantasy to reality. The Thesis pushes the frontier of current literature by asserting that contemporary technological and engineering breakthroughs make it evident that at the very least there is a need to re-conceptualise and revise the existing Space Law regime, but more importantly a need to develop a new legal framework to specifically address the gathering momentum towards the weaponization of outer space.