

Air and Space Law Journal article by Stephen Robison: "Legality of Non-kinetic ASAT Weapons: A US Perspective on How Technology Outpaces Law"



McDonald Hopkins...in the news

AIR & Space LAW

Data privacy and cybersecurity attorney Stephen Robison recently had an article published in the Air and Space Law Journal.

Legality of Non-kinetic ASAT Weapons: A US Perspective on How Technology Outpaces Law

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Stephen Robison | Wednesday, September 14, 2022

The Air and Space Law Journal has published "Legality of Non-kinetic ASAT Weapons: A US Perspective on How Technology Outpaces Law" by McDonald Hopkins data privacy and cybersecurity attorney Stephen Robison.

The article argues that certain non-kinetic anti-satellite weapons are legal. As the abstract explains:

Satellite vulnerability increases with every technological development. While these advancements are extraordinary, they also threaten the global economy through Anti-Satellite (ASAT) weapons. Many articles have been presented to show that a kinetic ASAT weapon is illegal under the current international law, but the analysis used fails to capture all ASAT weapons. The ambiguity and vagueness of the current laws and regulations in the Outer Space Treaty, the Constitution of the International Telecommunication Union (ITU), and Customary International Law (CIL) all fail to adequately safeguard satellites against non-kinetic ASAT weapons. These particular weapons continue to go unaccounted for as the global community concentrates on kinetic ASAT weapons. While it is important to discuss kinetic weapons, we cannot forget to develop laws regarding non-kinetic weapons. Accordingly, this article will demonstrate that under current law the deployment of a non-kinetic ASAT weapon would be legal. Moreover, this article will demonstrate how current technology outpaced international law. Overall, this article aims to uphold the principles set forth in 1967, by the Outer Space Treaty (OST), exemplifying humanity's ultimate opportunity for international collaboration.

A link to the full article in the Air and Space Law Journal can be found [here](#).

The Air and Space Law Journal provides a peer-reviewed forum for practitioners, regulators, policymakers and academics who deal with international, regional and national aviation and space law and policy. The

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Journal covers public, private, criminal, regulatory, competition (antitrust) and commercial aspects of air law and policy, and regulatory, commercial and security aspects of space law and policy.



Stephen Robison