

IAF SYMPOSIUM ON PLANETARY DEFENSE AND NEAR-EARTH OBJECTS (E10)
Planetary Defense from Asteroids and Comets (1)

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THE LEGAL ASPECTS OF PLANETARY DEFENSE: CONCLUSIONS OF THE SMPAG AD-HOC
LEGAL WORKING GROUP REPORT AND WAYS FORWARD

Abstract

The UN-mandated Space Mission Planning Advisory Group (SMPAG) was established in 2014 following a recommendation from the working group on Near-Earth Objects (NEOs) of the Scientific and Technical Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space. The main purpose of SMPAG is to “prepare for an international response to a threat by a near-Earth object through the exchange of information, development of options for collaborative research and mission opportunities, and to conduct NEO threat mitigation planning activities.”

In 2016, SMPAG created an Ad-Hoc Legal Working Group (AHLWG) tasked to identify and answer legal questions and issues related to the field of planetary defense. Dr. Line Drube, planetary scientist, led the creation and the coordination of this group before the responsibility was passed on to Dr. Alissa J. Haddaji in November 2018. This group, still active today, is composed of fifteen international space lawyers. The AHLWG team completed its first report which was endorsed by SMPAG in February 2020. This presentation at the IAC 2022 will examine the results of the 2020 SMPAG Ad-Hoc Legal Working Group “Planetary Defense Legal Overview and Assessment” report as well as present ways forward and plans for the LWG’s next report. This two-year research tackles questions asked by SMPAG members such as: could a nation be allowed to use a nuclear device in space to push away an asteroid? If nations were to detect an asteroid, would international law impose an obligation on States to inform other States about a potential NEO impact threat? If a planetary defense mission failed and a piece of the asteroid fell on Earth, would the state leading the mission be liable for damage caused by the object? The goal of this presentation at the IAC 2022 will be to highlight the lessons learned from the 2020 Legal Overview of Planetary Defense report, reflect on the key questions raised and the answers provided in that study and brainstorm with the IAC PD community on the ways forward for the AHLWG’s next report. It also aims to be presented in parallel to and complement “The Great Quiz of Planetary Defense”.