Legal Aspects of NEO
Threat Response and
Related Institutional Issues

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Project Participants

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• **Sponsor**
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• **International Advisory Board**
  - Prof. Steven Freeland, University of Western Sydney, Australia;
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  - Prof. Matthew Schaefer, University of Nebraska-Lincoln, United States;
  - Prof. Maureen Williams, University of Buenos Aires / Conicet, Argentina.
Timeline

• 2005-2008: Work on the issue by the Association of Space Explorers (ASE)
• October 2008 – April 2009: Informal preparatory discussions involving University of Nebraska-Lincoln and various concerned parties
• April 2009: Conference at University of Nebraska-Lincoln focusing on the international institutional and legal issues involved in the issue of NEO response and mitigation efforts
• July 2009 - Establishment of International Advisory Board
• August 2009 – February 2010: Preparation and Finalization of Report
• 15 February 2010 – Presentation to the STSC of UNCOPUOS, Vienna
• Next steps and future action …….
Primary Areas of Research / Analysis

Legal / Institutional Issues relating to

- General State Responsibility – Rights and Obligations
- Specific Liability for Damage
- The use of Physical Force, possibly including nuclear devices, in outer space
- Necessary and Appropriate Institutional Structure(s)
- The Role of Commercial and Private Activities
Recommendations (7)

Recommendation 1

• Need for early discussion within United Nations framework

• How to develop appropriate decision-making structure(s)

• Role of existing United Nations bodies
Recommendation 2

• Relevance and applicability of a form of ‘Responsibility to Protect’ (R2P)

• Focus of differing capacities

• No interference with sovereign powers
Recommendation 3

• Limitation of liability for consequent damage ……..

• If action within proper mandate of international community
Recommendation 4

- Need for careful consideration of use of force in outer space
- Balance with necessary action to address NEO threats
Recommendation 5

- Use of nuclear force as ‘last resort option’

- But explore very limited exceptions

- Consistent with existing Space Law / Principles
Recommendation 6

• Need for legal regime to deal with relevant private / commercial interests
• Balance with need to properly address NEO threat
• NEO response is fundamentally a humanitarian activity ... and therefore ...
• Commercial considerations not to compromise NEO response activities
Recommendation 7

- Establishment working group within UNCOPUOS
- Involvement of LSC and STSC
- Discuss recommendations and future action