

Legal Aspects of NEO Threat Response and Related Institutional Issues

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Project Participants

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- International Advisory Board
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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)
- September 2008: ASE Report – ‘Asteroid Threats: A Call for Global Response’
- 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