

# Report on University of Nebraska-Lincoln Conference “Near-Earth Objects – Legal Aspects”

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**Report on UNL Conference "NEO's - Legal Aspects"**

29-04-2009

IAA/ESA PDC Granada

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# Introduction

- ASE NEO Committee

  - Panel on Asteroid Threat Mitigation

  - & Report **ASTEROID THREATS: A CALL FOR GLOBAL RESPONSE**

    - ◆ <http://www.space-explorers.org/ATACGR.pdf>

- Conference at University of Nebraska-Lincoln 23-24 April

  - “Near-Earth Objects: *Risks, Responses and Opportunities* – Legal Aspects”



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# The ASE NEO Report

1. Capacity to detect many NEO's well in advance & determine their orbits
2. Capacity to act against a threat
  - That is: with a handful nations
3. Missing: int'l decision-making structure
  - Risks not distributed proportional to capabilities
  - ... Or proportional to costs deflection / mitigation
  - Which is also where 'the law' comes in!



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# Post-ASE Report

- ASE Report delivered Sept. 08
- Briefings key UN dignitaries
- Briefings major space-faring states / agencies
- Action Team 14 within UN structure
  - Action Team 14 → COPUOS Working Group → COPUOS → UN General Assembly
  - Role Legal SubCommittee...?



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# Institutional framework

United Nations Security Council

MAOG  
Mission Authorisation &  
Oversight 'Group'

IAWN  
Information Analysis &  
Warning 'Network'

MPOG  
Mission Planning &  
Operations 'Group'



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# UNL Conference

## ■ Programme sessions

1. Setting the Scene
2. Legal, Policy & Institutional Aspects of NEO Threat Mitigation
3. International Legal Aspects of Exploring & Exploiting NEO's
4. US Domestic Aspects of Exploiting NEO's
5. Intergovernmental panel on Legal & Policy Aspects of NEO Response Activities
6. Role of the Military in Addressing Scenarios



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# Major legal issues (1)

## ■ Liability

- For not reporting? For not deflecting? For deflecting not entirely successfully?
- Liability Convention – current legal ‘regime’
  - ◆ Problems with definition ‘damage’ as ‘caused by a space object’
- Should we establish general cross-waiver?
  - ◆ ISS IGA – but that is between parties
- Good Samaritan?
  - ◆ Well-known concept – at national levels...



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# Major legal issues (2)

- Int'l (humanitarian) responsibilities
  - Obligation of provision of relevant information
    - ◆ Notions such as 'civil society' & 'global agenda'  
*Note: Would not automatically lead to liability...*
    - ◆ That's also where institutional framework comes in
      - Trust building
      - Parameters for action before actual case arises
      - Mandate under it would take away relevant liabilities
  - Obligation of protection fundamental human rights – 1<sup>st</sup> individually, 2<sup>nd</sup> collectively



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# Major legal issues (3)

## ■ Property issues

- With a view to private involvement
- Current legal regime insufficiently clear
  - ◆ No national appropriation → currently no private appropriation possible either, in the sense of 'reserving'
  - ↔ Ownership minerals once extracted well possible
  - ◆ Where is the 'borderline'?
    - Requires long-term planning & major lead investments
    - No private mining operation seems around the corner → more likely PPP's / government-contracted contributions



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# Concluding remarks

- Pressing need to ensure int'l legal & institutional aspects do not get lost in current discussions at UN level
- Need to further analyse, & where necessary, solve key legal issues
- <http://spaceandtelecomlaw.unl.edu/conferences/neopowerpoints> for presentations



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