

SMPAG AD-HOC LEGAL WORKING GROUP

MOVING FORWARD

14th MEETING OF THE SPACE MISSION PLANNING
ADVISORY GROUP (SMPAG)

September 24th 2020

Alissa J. Haddaji, Harvard University

SMPAG Ad-Hoc LWG Coordinator / COSPAR Representative to SMPAG

10 TEAM MEMBERS CONFIRMED TO REMAIN IN THE LWG (2020-2021)

- Alexander Soucek (ESA)
- Alissa J. Haddaji (Harvard University)
- Cordula Steinkogler (University of Vienna, confirmed until April 2021)
- Dave Koplow (Georgetown University/Personal Capacity)
- Irmgard Marboe (University of Vienna, confirmed until April 2021)
- Jean-François Mayence (Legal unit of Belgian Federal Office for Science Policy)
- Nicholas Fernandez (Government Legal Department, UK)
- Peter Stubbe (DLR)
- Rosa Ma. Ramírez de Arellano (Mexican Space Agency)
- Sergio Marchisio (Sapienza University of Rome)

NOT CONFIRMED

- David Lopez (NASA)

MEMBER STATUS / REPLACEMENT OF PAST MEMBERS / NEW MEMBERS

- How should we approach the replacement of team members unable to remain part of the team?
- Do SMPAG members wish to suggest new Legal Working Group members? Notably lawyers who provided input on the report last year (ex: Chinese and Russian colleagues)

PROPOSED TOPICS BY SMPAG MEMBERS (?)

PROPOSED TOPICS BY THE SMPAG LWG MEMBERS (1/2)

I) A **topic already introduced in the report**, developed in more details (examples below):

- The **legality of nuclear-weapons-related activities in space**, research which could be conducted in connection with the **WOOMERA** and **MILAMOS manuals**.
- **Drafts or templates** for potential future planetary defense missions to research the legal necessary **steps before an actual NEO impact threat** occurs to ensure that planetary defense missions are carried out **in conformity with international law**, such as:
 - Elements of a mandate for States carrying out the planetary defense mission
 - Parameters for the need of authorization for certain planetary defense technologies
 - A draft agreement by the potentially affected State(s) and the State(s) capable and willing to conduct the mission
 - Modalities for the **cooperation among States** participating in the mission, as well as **liability considerations**, such as a limitation or a waiver of liability for States conducting the mission and **modalities for the compensation** of victims on the ground or for other damage suffered as a result of the mission.
- The **investigation of the legal instruments** and/or **mechanisms** (at the international and possibly national levels) to serve the **implementation of the report's recommendations** and to **foster better coordination** among states. e.g.: a UNGA resolution calling for a strengthened cooperation among States on NEO threat issues, an international (intergovernmental) institutional mechanism, etc.

PROPOSED TOPICS BY THE SMPAG LWG MEMBERS (2/2)

II) A **new research topic** related to Planetary Defense research (examples below):

- A **legal approach** to **classifying and defining** various **categories of celestial bodies**.
- **Reflection on agreements** among national or international/regional planetary defense actors (i.e. AIDA (Artificial Intelligence for Data Analysis) project, ESA's Hera mission and NASA's DART mission)
- The possible **relation between legal aspects of planetary defense** and **legal aspects of space mining/space resource utilization activities**
- The study **of Art. IX of the OST** in relations to Planetary Defense activities

“If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the moon **and other celestial bodies**, would cause **potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space**, including the moon and other celestial bodies, **it shall undertake appropriate international consultations before proceeding** with any such activity or experiment.” (from OST, Art. IX)

NEXT STEPS (SEPT 20 – FEB 21)

- Discuss the possibility of adding new team members
- Discuss the topics presented today + circulate them among SMPAG members to collect feedback
- Collect new ideas from SMPAG members