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**International Liability And Responsibility Issues In Planetary
Defense**

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The Space Mission Planning Advisory Group (SMPAG) Ad-Hoc Working Group on Legal Issues was established in 2016 with the purpose of advising SMPAG with regard to legal aspects of planetary defence. The Working Group elaborated a report that presents a first analysis and assessment of relevant legal questions and issues. The basic premise that a State breaching an international legal rule can be held accountable is at the core of the legal concept of State responsibility. This applies to any kind of space activities, including planetary defence missions, which must be carried out in accordance with international law, as stated in the 1967 Outer Space Treaty. The Outer Space Treaty provides that States bear international responsibility for national space activities, whether carried out by governmental agencies or non-governmental entities. States also may be internationally liable for damage caused by such space activities, including planetary defence missions. Liability can generally be described as the duty to compensate for damage and thus is a protection for

those potentially bearing negative consequences of an action, but is equally burdensome on the State acting. This paper will examine the concepts of responsibility and liability of States for their actions – and the actions of their nongovernmental actors, such as private companies – in the realm of planetary defence. For example, what happens if a planetary defence mission partially fails and damages an area different to the one originally predicted? Or what happens when the launch vehicle(s), built by a multinational corporation, launching a planetary defence payload(s) built by several States, fails and debris scatters over large land masses belonging to different States? A final example, are the States that launched a largely successful planetary defence mission liable to a State when persons in that State are harmed, even when the State has consented to the mission? Today, because these legal questions are novel, this presentation will describe and discuss the current state of the law and will not attempt to provide concrete or definitive legal solutions to these questions.