

# The Decision to Act: Political, Legal, Social, and Economic Aspects

## Legal Complications of Private Planetary Defence Missions

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With the success of the recent DART mission, planetary defence has been brought to the front of the public debate. Simultaneously, there has been a large increase of private actors in space activities, eg. SpaceX, Blue Horizon or Virgin Galactic. The impossibility of having a private actor participate in or even conduct a planetary defence mission on its own, is no longer a distant future.

Including a private actor to a planetary defence mission becomes legally complicated if the mission should go wrong. The main legal complication of a private planetary defence mission is the legal applicability of the relevant space treaties. Both the Outer Space Treaty of 1967 and the Liability Convention of 1972 are only directly binding on state actors. Private actors therefore have to be regulated through national regulation primarily. There is however an underlying regulatory importance of the space treaties even for private actors. For example, the 1976 Registration Convention dictates which national law should apply to the outer space activities of a private actor.

This absence of international regulation for private actors consequently leads to additional complications for the accountability of these actors when they are responsible for damages. For example under the Liability Convention only a launching State can be liable for damages done by space activities. This leads to questions of how the compensation for damages by private actors can be achieved legally and what legal relationships are created by pursuing the compensation.

The goal of this presentation at the 2023 PDC is to set out these legal relationships created in a situation of a failed planetary defence mission. It will use the presentation given in 2019 of the outcomes SMPAG legal working group on the liability of states for damages caused by a failed planetary defence mission as a basis. It then sets out to explain the different legal relationships, and potential lawsuits, that arise out of this assumption of liability, and thus answer the question who can sue who and where, following what law.

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**Comments:** This abstract is submitted for consideration of Oral presentation at the 2023 PDC conference. It is also submitted as part of the student competition.