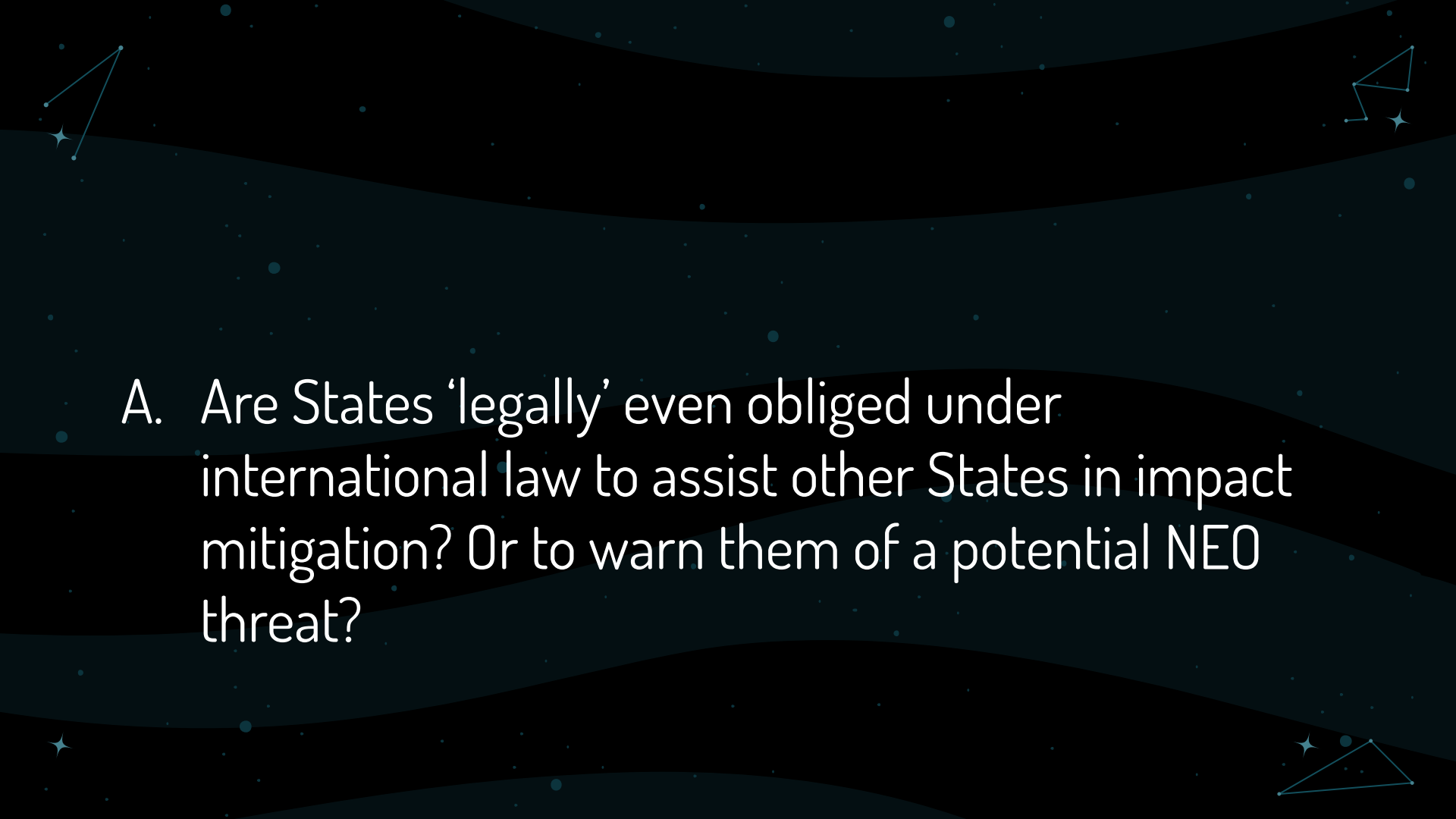
The background is a dark blue space-themed design. It features several white stars of varying sizes and brightness. There are also several constellations represented by thin white lines connecting dots. The overall aesthetic is clean and modern, with a focus on celestial imagery.


To Aid or Not to Aid – Should it be a Question? – Geopolitical, Legal and Ethical Concerns in Planetary Defence Missions

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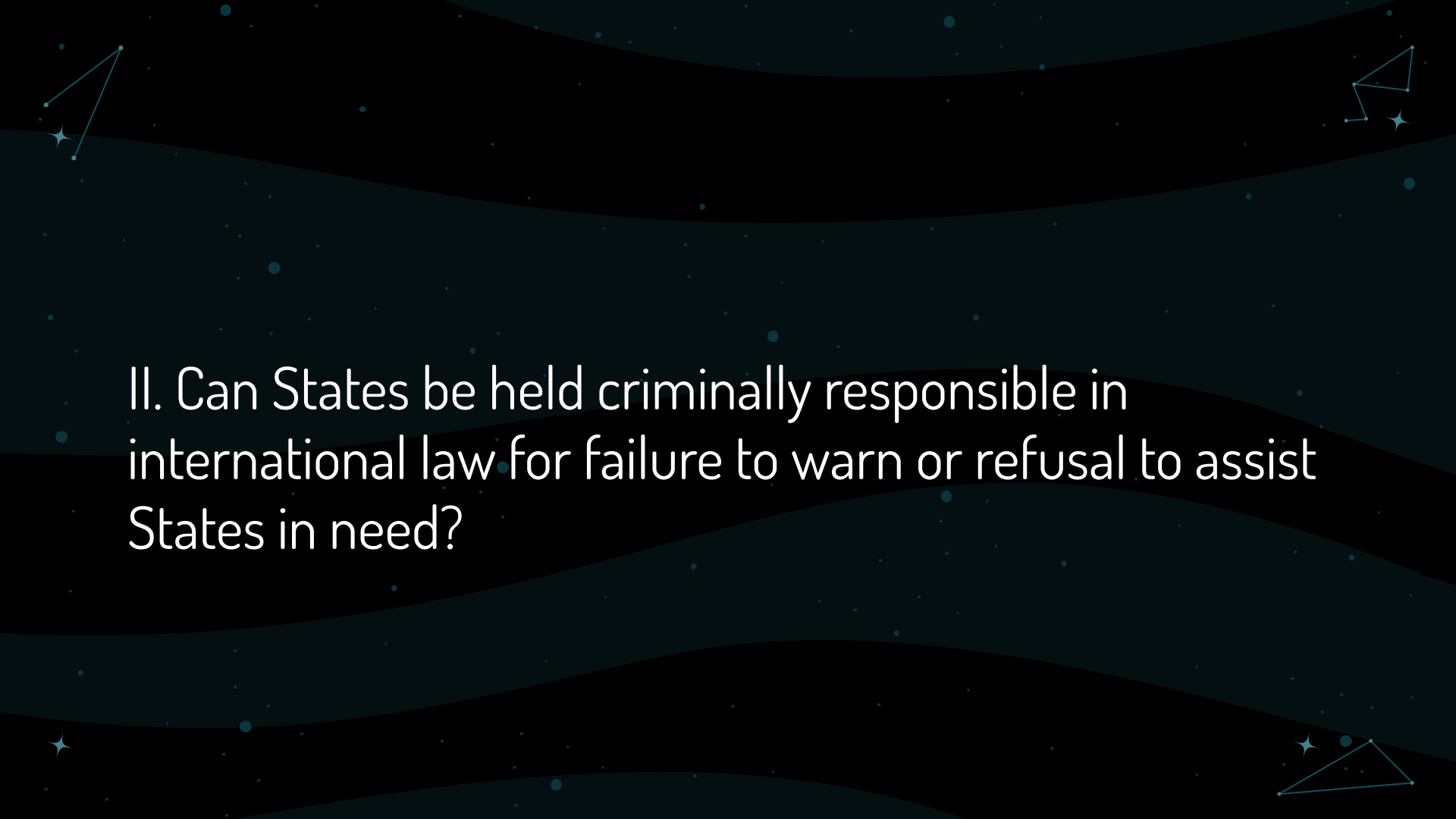
A. Are States 'legally' even obliged under international law to assist other States in impact mitigation? Or to warn them of a potential NEO threat?



I. The Veil of Sovereignty - How do We Pierce Through it?





- Humanitarian Considerations
 - Right to Life
 - Duty to Co-operate
 - International Disaster Laws
 - International Environmental Laws
 - Responsibility to Protect
- 
- 



II. Can States be held criminally responsible in international law for failure to warn or refusal to assist States in need?

Principle of 'commission by omission'


- In some decisions rendered by the International Criminal Tribunals for Yugoslavia (ICTY) and Rwanda (ICTR), it was observed –
“Committing also covers situations where the accused engenders a culpable omission in violation of a rule of criminal law.”
- In some of their decisions, it was also noted that such omissions may even fall under the category of ‘crimes against humanity’, *“i.f the State was aware of the fact that its act or omission will more likely than not result in the commission of a crime”*

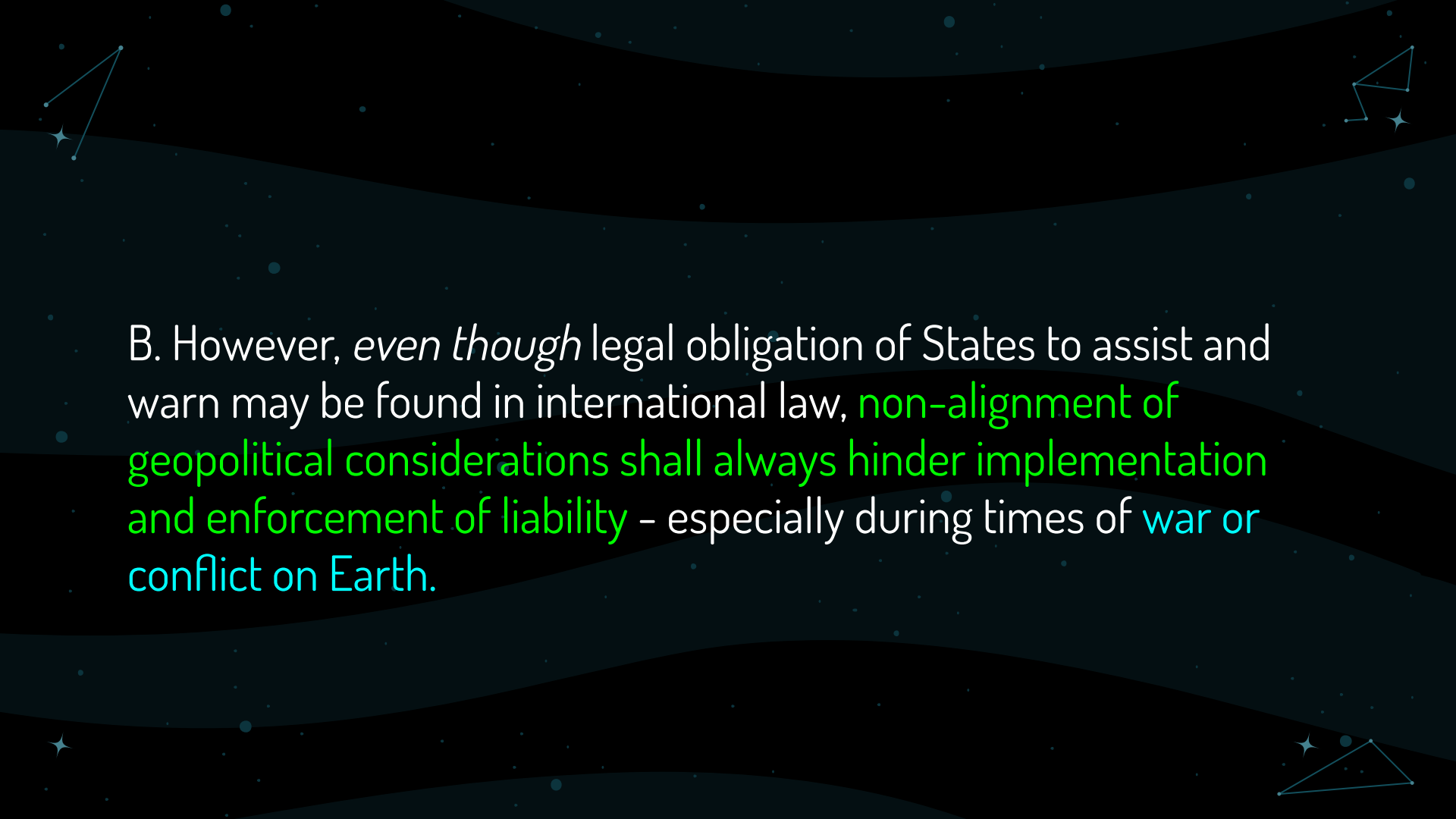


Some implicit confirmation by ICC regarding possibility of carrying out criminal conduct through an omission.

- In Prosecutor v Katanga -

“287. ...the crime of wilful killing occurs when it is committed by someone who, by action or omission, causes the death of one or more persons...”

- However, not a lot of judgments have been rendered by ICC regarding the same.
- 



B. However, *even though* legal obligation of States to assist and warn may be found in international law, **non-alignment of geopolitical considerations shall always hinder implementation and enforcement of liability** – especially during times of **war or conflict on Earth**.




International Legal Obligations v. Geopolitical Affairs

- In 2000, Russia signed the Rome Statute (established the International Criminal Court) – never ratified – outside ICC’s jurisdiction
- In 2016 Russia formally withdrew its signature – a day after ICC published a report classifying the Russian annexation of Crimea as an occupation.
- Withdrawal of signature was symbolic, but made Russia’s stance clear on its lack of acceptance of ICC’s jurisdiction.



In 2022, Russia vetoed Security Council's resolution condemning 'attempted' annexation of Ukraine regions.

So even if we are able to find legal obligations - can they actually be enforced when such power dynamics are involved?

- 
- 
- In March, 2023, ICC issued arrest warrants against the Russian President.
 - In a statement made by Russian Ministry of Foreign Affairs – *“The decisions of the International Criminal Court have no meaning for our country, including from a legal point of view.”*
 - *“Russia is not a party to the Rome Statute of the International Criminal Court and bears no obligations under it.”*
- 



**Ex-Russian president makes missile threat against ICC after Putin arrest warrant - “Alas, gentlemen, everyone walks under God and rockets,”
“So ... look carefully into the sky,”**

Illusion of a Rules-Based Global Order

- In 2016, an international arbitration tribunal held that **China's territorial claims in the South China Sea were void of any legitimacy under international law.**
- China disregarded the ruling, and labeled it as being *“farce”*.
- An inference may be drawn from these examples that for large and influential countries, **respecting a rules-based order is often a matter of choice.**

Examples of Exemplary Co-ordination of States, Despite Geo-political Differences

The **International Telecommunication Union** - 193 member States - realise they NEED ITU to coordinate for interference-free use of Radio Frequencies - ITU is not a regulator, only co-ordinates activities

The **Chicago Convention and the International Civil Aviation Organisation** - the entire civil aviation is being run on co-ordinated efforts of 193 member States - infractions are rare events

The **Montreal Protocol on Substances that Deplete the Ozone Layer** - 198 member States - hailed as the most successful treaty in UN history - for achieving universal ratification and meeting its targets ahead of schedule

Suggestions & Conclusions

- Though geopolitical differences cannot be undermined, especially during times of conflict and war – *States are often willing to co-ordinate despite such differences, if mutual benefits are involved.*
- Need for *reaching out and spreading information* – mutual benefits of co-operation in assistance and warning network systems
- Such *efforts may be made mandatory* on the basis of mutual arrangements – *'I HELP YOU, YOU HELP ME'* – via a Treaty or Multilateral Conventions or MoUs – or under the confines of the current voluntary arrangements, like IAWN and SMPAG
- Can we all join hands to fight against a threat to humanity, regardless of geopolitical differences on Earth?



Source: <https://www.chappatte.com/en/images/nasa-knocks-asteroid-course>

Thanks! ✨

Questions? Comments?
Suggestions?

