

59th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)  
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GreeceMAKING AN EXCEPTION IN THE INTERNATIONAL LAW ON THE WEAPONIZATION OF  
SPACE FOR THE MITIGATION OF NEOS. AN ARMS RACE IN SPACE?**Abstract**

To address the significant threat posed by Near Earth Objects (NEOs), the international community is trying to come up with ways of early warning and deflection of those in course with Earth. In 2011, the European Commission issued a call for proposals, as part of its seventh research Framework Program (FP7), for projects to address the NEO impact hazard and feasible mitigation measures. The NEOShield project, coordinated by the German space agency (DLR), and with the participation of, *inter alia*, Astrium (Germany, France, UK), Deimos Space (Spain) and TsNIIMash (Russia), has recently proposed the use of weapons as a prevention measure. More specifically, they maintain that by detonating a nuclear weapon near an asteroid the resultant blast could deflect the asteroid enough that it would miss Earth. Leaving aside the technological challenges, this proposal faces significant legal challenges as well. At present, the weaponization of space is prohibited by international law. Already from 1967, with its Article IV, the Outer Space Treaty imposed upon its States Parties the obligation to not place in orbit or install in celestial bodies weapons of mass destruction. This provision has been reiterated in later agreements, such as the Moon Agreement and the United Nations General Assembly's resolution called the "Prevention of Outer Space Arms Race", confirming the fear of the international community for a potential weaponization of space. Nevertheless, the institutes behind the suggestion of the nuclear solution support the view that an exception can be made in light of the serious threat that NEOs pose for the Earth as a whole. Indeed, the Outer Space Treaty's principles have been criticized as vague and thus, not very strong. There is currently no Treaty to address specifically this crucial issue and, although discussions have been made within the United Nations for the drafting of one, due to the objection of a few States these discussions were fruitless. The new proposal of the NEOShield project makes the debate of creating an exception in the international law on the prohibition of the weaponization of space more topical than ever. Important questions must be asked, such as the potential implications of the exception for the international stability. Actually, is such an exception even legally possible? This paper tries to answer questions like these by presenting the relevant international law, and examine the various implications of such an exception to the established regime.