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INTERNATIONAL LAW COMMISSION'S 2016 DRAFT ARTICLES ON "PROTECTION OF
PERSONS IN THE EVENT OF DISASTERS" AS A LEGAL BASIS FOR MITIGATION AGAINST
NEAR EARTH OBJECTS/ASTEROIDS

Abstract

The recent work of the International Law Commission on Protection of Persons in the Event of Disaster is a great achievement for both humanitarian and planetary protection purposes. The draft articles provide a globally agreeable framework for sharing vital information and caring diligently about preventing disasters. Near Earth Objects' (NEO) hazards are among probable disasters which needs to be addressed from both humanitarian and environmental point of views. Therefore, the draft articles should be reviewed and perused for this purpose. While the scope of the draft articles' *ratione temporis* is primarily focused on the immediate post-disaster operation, the draft articles also emphasize on strengthening international cooperation in respect of all phases of a disaster. Thus, both of the pre and post-disaster phases are falling within the scope of the draft articles. Any pre-disaster response against NEOs deals with collision risk reduction and collision prevention and mitigation activities. In order to reduce, prevent and mitigate NEO collision risks the draft articles refer to duty to cooperate and coordinate in risk assessment, collection and dissemination of risk and past loss information, installation and operation of early warning systems, and making available scientific and technical resources, most of which are space-related activities. This article tries to explain whether and to what extent the draft articles would be applied to the issue of NEO collision hazards. In the first step, the focus would be mostly on the duty of scientific and technical cooperation and some projects (NEOWISE, NEOSHIELD, DART, etc.) would be considered and illustrated, as well. Then, this article would consider capacities of the International Asteroid Warning Network (IAWN), Space Mission Planning Advisory Group (SMPAG), International Charter Space Major Disasters, and UN-SPIDER in this regard and argues that the draft articles would change the available international practices to international obligation. Finally, some wisely raised issues by former studies on legal aspects of NEO collision hazards and some concerns regarding the duty/right to intervene, defend and protect persons against NEO collision hazards would be addressed using the draft articles' legal capacities, humanitarian basis and underlying protective notion. This article concludes that the draft articles can be used to legalize, unify and expedite deployment of available space and earth-based data to prevent, reduce and mitigate NEO collision hazards.