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EVALUATING THE LEGALITY OF NUCLEAR EXPLOSIVE DEVICES (NEDS) FOR PLANETARY
DEFENSE

Abstract

In the ever- evolving field of space science, the concept of planetary defense has emerged as a critical area of study, aimed at safeguarding Earth from cosmic threats. Among the array of methods employed for planetary defense, this paper will explore the use of the Nuclear Explosive Devices (NEDs) as part of the ‘blasting method’, given their status in raising crucial legal questions and being subject to numerous legal restrictions. In this context, the author posits that in scenarios where time is of the essence and the impending threat is significant, NEDs might emerge as the most viable solution. Consequently, the author will assess whether the current legal framework adequately addresses the legality of the use of NEDs or provides legal grounds for their lawful deployment. To this end, the examination will primarily focus on Article IV of the Outer Space Treaty, the 1963 Partial Test Ban Treaty, and the 1996 Comprehensive Nuclear Test Ban Treaty. Furthermore, particular attention will be given to the UNGA Principles Relevant to the Use of Nuclear Power Sources in Outer Space. This analysis aims to address the environmental concerns associated with the use of NEDs and mitigate potential environmental and humanitarian impacts.