

Possible Use of a Nuclear Explosive Device in a Planetary Defense Mission – Legal Aspects

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Outer Space Treaty, art. IV

States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner.

Limited Test Ban Treaty, art. I

Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control: (a) in the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas;

Nuclear Non-Proliferation Treaty, art. II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Treaty on the Prohibition of Nuclear Weapons, art. I

Each State Party undertakes never under any circumstances to:

(a) Develop, test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices;

(c) Receive the transfer of or control over nuclear weapons or other nuclear explosive devices directly or indirectly;

(d) Use or threaten to use nuclear weapons or other nuclear explosive devices;

(e) Assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Treaty;

(f) Seek or receive any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Treaty;

Summary

Outer Space Treaty: prohibits placing nuclear weapon in Earth orbit, installing on celestial body, or stationing in space

Limited Test Ban Treaty: prohibits any nuclear explosion in space

Non-proliferation treaties: prohibit giving non-nuclear-weapon states control over nuclear weapons; prohibit them assisting, encouraging or inducing the use