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The Decision to Act: Political, Legal, Social, and Economic Aspects

Legal Considerations on a Regional Security Organisation for Planetary Defence

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ABSTRACT

Under the UN-Charter system, the maintenance of international peace and security is traditionally the primary responsibility of the UN Security Council as set forth in Chapter VII. The cumbersome decision-making process of the Security Council is yet not favourable when a timely response to a threat from outer space is needed. Since the Security Council's competence for dealing with matters of international peace and security is not exclusive, other international bodies may take a role in addressing threats emanating from outer space. Regional arrangements could be a suitable alternative for the promotion of international cooperation on NEO-response policies. According to Article 52 UN-Charter

Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

Based on Article 52 UN-Charter, States can agree on the commitment to share the risk and responsibility of planetary defence. A regional organisation for the maintenance of security in outer space can play an important role in political crisis management and may provide for a time-critical decision-making process. It will be argued, that the creation of a regional organisation of collective security dedicated to the mitigation of and reaction to such risks from outer space as matters relating to the maintenance of international peace and security can be embedded within the frameworks of the Outer Space Treaty and the Liability Convention. The military components of such organisation are in line with Article III and Article IV Outer Space Treaty. The system of responsibility and joint liability is likewise applicable to a regional organisation dedicated to the deterrence of threats from outer space.