

## PDC 2025

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

#### Rogue Space Actors: Is there a Problem in our Current Domestic Regimes that might allow for an unauthorised Planetary Defence Mission?

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In 2018, a scandal in the space industry raised legal questions that still concern the legal community today. In January of that year, a US start-up launched four Cube satellites using an Indian rocket without holding an FCC license to use communications technology on these satellites. While this illegal use of the satellites was ultimately punished with a \$900,000 civil penalty, it nevertheless raises the question of whether the current space regulations are not sufficient to prevent rogue space actors from potentially taking action in a planetary defence situation without the authorisation of the State.

Why is this a problem? The sad reality is that in many planetary defence scenarios, some States may be reluctant to participate in mitigation efforts. This reluctance may be connected to the political implications associated with a State's use of a nuclear device, as well as the liability the State faces should the mission fail in part. In comparison, we have seen an increase in private actors that are not necessarily as risk-averse as some States. These private actors are now an integral part of any potential planetary defence missions, for example, considering the reliance on SpaceX launch capabilities noted at the previous Planetary Defence Conference in 2023. Therefore, the idea that a private actor could intervene in the event of a NEO threat instead of a State, without the authorisation of the State, is no longer as irrational as it may have been in the past, noting the actions of Swarm technologies in 2018. This action, in turn, could have serious consequences for the State, as it would still be responsible and liable should the mission partially fail.

This presentation for the 2025 Planetary Defence Conference will show how national legislation has regulated the idea of 'Rogue Space Actors.' The launch procured by Swarm technologies in January 2018 will be used as a case study to see how such a space actor has been dealt with in the past. This response is then applied to a planetary defence mission, considering if current legislations are sufficient to take action against 'Rogue Space Actors.'