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DOI <https://doi.org/10.32782/ILA.2026.35.04>**KOVDRIA V. O.****Higher Education Student “International Law”****Faculty of International and European Law****Yaroslav Mudryi National Law University****ORCID: 0009-0009-1377-2468**

## THE 2026 UPDATE OF THE SETI DECLARATION FROM A LEGAL STANDPOINT

**Summary.** The article examines the revised form of the Declaration of Principles Concerning the Conduct of the Search for Extraterrestrial Intelligence proposed by the SETI Committee of the International Academy of Astronautics in September 2025, regarding its scientific basis, its status under international law, and its normative implications for the latter. The revised Declaration is an important step forward in SETI activity regulation since it extends the parameters of post-detection provisions and establishes novel methods for their coverage within a field that is not covered by binding regulations on a universal level.

The Declaration is situated in the scientific evolution of SETI and demonstrates how the search for extraterrestrial intelligence has a sound scientific basis, starting from the Project Ozma that Frank Drake initiated and the formulation of the equation that bears his name. The scientific framework emphasises the relevance of having a legal and ethical game plan when the existence of extraterrestrial intelligence becomes a reality that goes beyond the scientific community.

As far as legal analysis is concerned, the Declaration is examined as soft law instrument that falls within the overall framework of international space law, and most specifically, as a document that complements the Outer Space Treaty of 1967.

The article further explores the status of soft law from a juridical perspective within the SETI topic, where it is underlined that the normative status of the Declaration is not based on state consent or ratification but upon acceptance within the international scientific community. The notion of "collective responsibility" used within the revised version of the draft is discussed from a critical perspective to conclude that it should not be construed either as a source of binding juridical obligation or customary law but rather a form of anticipatory responsible conduct.

**Key words:** search for extraterrestrial intelligence, space law, international law, Declaration of Principles Concerning Activities Following the Detection of Extraterrestrial Intelligence, protocols, soft law, Drake equation, metalaw.

**Objective.** This article seeks to explore the implications of the updated version of the Declaration of Principles Concerning the Conduct of the Search for Extraterrestrial Intelligence as a soft law instrument in the modern regime of international space law on the matter of its legal nature, status, and role in the matter of responsible conduct in the SETI activity post-detection scenario.

More specifically, the research aims to examine the scientific basis underlying the SETI project in order to show how the search for extraterrestrial intelligence is a rational activity in itself with important implications in the context of international law, rather than a speculation activity as some people might

think. Secondly, the research will explore the implications that have arisen from the establishment of the revised principles under the Declaration, with a focus on Principle 9.

**Problem.** The regulation of the search for extraterrestrial intelligence occupies a unique and complex position at the crossroads of science, ethics, and international law. Unlike most areas of space activity, SETI operates in a domain marked by profound scientific uncertainty, absence of empirical precedence, and lack of binding international legal norms. Because of that, the legal discourse about SETI is also fragmented and often perceived as speculative, though a hypothetical detection of extraterrestrial intelligence would have far-reaching legal, ethical, and political implications for humanity as a whole.

The central problem that this article tries to bring out is how meaningful engagement of international law with SETI activities is possible, given the absence of traditional sources of legal obligation, and how normative guidance can be constructed without undermining scientific openness or encouraging unilateral action.

**Analysis of recent research and publications suggests** that the legal aspect of the search for extraterrestrial intelligence has been of particular interest for many contemporary scholars and researchers, given the complex scientific, ethical, and international legal challenges this field presents. These issues have been examined in the works of R. B. Bilder, as well as M. Garrett, K. Denning, L. Tennen, C. Oliver, L. Walton, J. T. Wright, C. Haramia, and G. Swiney, who have contributed to the development of legal, institutional, and policy-oriented approaches to SETI and post-detection governance.

**Introduction.** On 25 September 2025, the International Academy of Astronautics (hereinafter – IAA) SETI Committee proposed an updated draft of the Declaration of Principles Concerning the Conduct of the Search for Extraterrestrial Intelligence (1989) (hereinafter – Declaration) which incorporates revised SETI post-detection protocols, introducing a number of essential novelties that, in equal measure, significantly expanded our capabilities and understanding of the search for extraterrestrial intelligence as well as raised a plethora of questions that present important normative and regulatory implications for scientists in general and legal scholars in particular. The Declaration is a prime example of the notion of soft law and thus represents an unprecedented legal instrument per se precisely due to the subject matter it covers being at the interface of scientific and international legal endeavours and being characterised by rapid scientific development and the absence of binding international regulation. Its continued relevance lies in its function as a normative reference point, offering guidance on responsible conduct in circumstances that remain largely hypothetical yet legally consequential.

**Discussion and results. Scientific grounding.** Any meaningful legal analysis of its revised content necessarily requires situating the document within the broader historical and scientific context of SETI, clarifying its legal nature and status within the system of international law, and demonstrating that the search for extraterrestrial intelligence is neither speculative nor unreasonable, but rather

rests on established scientific frameworks. The everlasting question, “Are we alone in the universe?” [1] has been persistent in the last two centuries, and has over time raised discussions not only about the possibility of extraterrestrial life, but also about how humanity should responsibly prepare for potential contact, including from a legal and ethical perspective.

The origins of modern SETI can be traced to 1960 [2], when Dr. Frank Drake, a young radio astronomer, conducted the first systematic search for extraterrestrial intelligence, known as Project Ozma. With his 85-foot telescope, Drake centred his search on two nearby stars similar to our Sun, Tau Ceti and Epsilon Eridani, on a certain frequency, one that is the hydrogen spectral line, and which he hypothesised might be the universal channel of choice for communication from a technologically superior race in another planetary system. Project Ozma was the first attempt to detect a purposeful signal, and while it came up empty, it established all of the groundwork that would and should accompany all SETI scientific efforts. In the view of Dr. Drake, the failure to find any signal indicated not the absence of alien life, but the absence of intelligent, communicative traces of aliens near each star system. Then, it was in the year 1961 that Drake organised a conference in Green Bank, attended by some of the brightest minds in the world of that time, Carl Sagan and Melvin Calvin, a Nobel laureate, on the topic of SETI as a scientific process. It was on this occasion that he presented the famous equation known as the Drake equation, a probability measure of the number of communication-capable civilisations within the Milky Way galaxy.

$N = R^* f_p n_e f_l f_i f_c L$ , where

$R^*$  – rate of star formation in the galaxy (stars/year)

$f_p$  – fraction of stars that have planetary systems

$n_e$  – number of planets per star that could support life

$f_l$  – fraction of those planets where life actually arises

$f_i$  – fraction of planets with life where intelligent life evolves

$f_c$  – fraction of intelligent civilisations that develop detectable technology

$L$  – average length of time such civilisations release detectable signals

Drake equation[3]

The importance and significance of the equation lie in the fact that it gives a rational and scientifically sound basis to the search and makes it clear that the process is far from speculative or arbitrary. Logically, a comprehensive legal framework covering its intricacies was therefore understood to be necessary.

**Legal basis.** The existing legal framework covering the activities of SETI encompasses primarily general principles of international space law supplemented by soft-law instruments. The Outer Space Treaty of 1967 [4], for instance, does not explicitly mention or provide legally binding rules for SETI or post-detection scenarios, as it establishes a general framework for space activities. Nonetheless, it was imperative to create a certain legal framework to provide normative guidance in the absence of binding international regulation. Thus, a number of protocols accompanying the Declaration were developed to structure coordinated international responses to a potential detection.

Interestingly, the Declaration, adopted by the International Academy of Astronautics in 1989, is seen as a soft-law instrument. It provides a comprehensive set of principles for disseminating information about the detection of extraterrestrial intelligence [5], by outlining procedures for verification, notification, and public dissemination of information. In the 2026 updated draft of it, enhanced provisions of a number of principles were introduced, mainly Principle 7 relating to post detection research, and Principle 9, which is tasked with addressing ethical and legal considerations [6].

Principle 9 has an especially important role to play in this framework, as it provides an institutional and procedural channel which must ensure that post-detection data is managed properly. This requires that an international committee composed of scientists and other experts be established, which could function as a point of contact for further analysis of observational data and guide how information should be disseminated to the public in accordance with points of law. Through this, Principle 9 anticipates and, to a certain degree, grants recognition to the wider legal and moral implications which might follow once extraterrestrial intelligence has been detected, suggesting, if interpreted indirectly, the notion of metalaw [7].

From a legal point of view, the application of Principle 9 embodies the recognition of an imperative need to coordinate international regulation of a realm in which science, uncertainty, and the lack of mandatory legal rules had primacy. Even though not legally binding, the instruments provided by Principle 9 are instrumental in the creation of a common system of expectations of behaviour, especially with respect to the transfer of knowledge, responsibility, and the absence of the policy of unilateral action in matters of universal consideration. Thus, Principle 9 illustrates the normative aspirations of the Declaration as the foundational framework of the regulation of SETI activities in the framework of the present-day international law.

**Legal effects of soft law in SETI.** The updated draft of the Declaration suggests that "the protocols should be regarded as the collective responsibility of the international SETI community, rather than documents to be signed by institutions, organisations, or individuals" [6]. From a legal perspective, the formulation chosen repeats the non-binding nature of the document while trying to increase its normative force through the mechanism of collective ownership and professional consensus. The declaration derives its force neither from ratification nor from other recognised forms of giving consent known to international law, but from broad acceptance or expectations related to behaviour through the global scientific community after the detection of extraterrestrial life and most importantly from ethical considerations.

Historically, soft law has proved an important tool for the progressive development of space law in areas where technological uncertainty, ethical sensitivity, or political caution have so far delayed the framing of binding norms. Within a SETI framework, the resort to soft law implies the provisional character of extraterrestrial intelligence detection efforts and the absence of a clear

state-centric interest at the present stage. However, soft law instruments can have indirect normative effects: forming expectations of responsible conduct, articulating existing treaty obligations-in particular, the Outer Space Treaty-with appropriate normative standards, and perhaps future customary norms if a practice emerges with a sentiment of *opinio juris* in due time.

Generally, soft-law instruments have long been recognised within international space law as adaptive normative tools capable of responding to rapid scientific and technological developments [8]. In that sense, they are not mere transitional or subsidiary tools but even frameworks within which responsibility and ethical preoccupation can be framed and given expression before being enshrined into formal law. From this point of view, the idea of soft law represents a way to flexibly insert ethical responsibility into legal discourse in the context of SETI issues that surpass traditional state borders because of the interest of humankind as a whole, mutual transparency, and possible after-effects of contacting an intelligent extraterrestrial civilisation.

**Collective Responsibility ut est of the International SETI Community.** The updated draft of the Declaration presents itself as a particularly interesting case in terms of international law, insofar as it introduces the notion of “collective responsibility” of the international SETI community. This terminology invites closer examination since collective responsibility is not typically listed in the sources of law. Should the interpretation of the collective responsibility be equal to that of international legal custom? Does it have a certain form of legal force? The draft itself stresses such an interpretation, in which protocols are deliberately distanced from consent and signature procedures and instead located within commitments to which professionals rely on the basis of mutual accountability.

Thus, it must be then clarified that the concept of collective responsibility employed in the draft cannot be equated with international custom, which requires the coexistence of state practice plus *opinio juris*. Nor does it in itself suggest legally binding obligations or a certain enforcement mechanism comparable to those arising under international treaty law. Rather, the reference to collective responsibility can, to some degree, be understood as more of a normative or ethical construct in the scientific community, intended to emphasise some expectations of conduct rather than to establish legal liability in the strict sense.

In legal terms, the relevance of the principle resides neither in its ability to produce binding effects or to result in the immediate emergence of obligatory norms, but rather in the ability to inspire legal behaviour that eventually leads to the clarification and maybe creation of normative expectations. Even if the latter are capable of influencing the future interpretation of existing soft law or the development of new norms in the future, for the time being they continue to qualify as soft law. Being aware of the preceding considerations, the principle of collective responsibility in the SETI arena must be understood as one that falls within the scope of anticipatory governance.

**Implications for future international regulation and conclusions.** In the subtopic addressed above, I proposed that the updated draft provides

certain guidelines for the possible emergence of a comprehensive legal framework in the future, or even, simply put, establishes aspirational goals for the future behaviour that do not create a legally binding effect on institutions or organisations so far. Indeed, the draft reflects a conscious attempt of humanity to balance scientific openness with ethical restraint in an area where formal international regulation remains underdeveloped.

The updated draft has legal significance not because of its immediate binding nature but since it helps in shaping future regulatory trajectories. In a Declaration which systematises procedures related to verification, information-sharing, post-detection research, and ethical deliberation, lie the gradual crystallisation of common standards that may be reflected later in binding instruments or incorporated into the interpretation of existing space law treaties. It thus acts as one providing a preparatory function by offering a structured framework that could then make future multilateral negotiations easier in case the detection of ETI proceeds from the realm of hypothesis to the realm of empirical reality.

Furthermore, the revised draft also emphasises the growing prominence of non-state actors in the governance of outer space activities. The resort to scientific constituencies and international institutions as the primary normative actors is indicative of a departure from the traditional state-centric approach to governance in the direction of more all-encompassing knowledge-driven modes.

The implications regarding the accountability and legitimacy of this approach in the realm of international law notwithstanding, it does acknowledge the reality of the SETI community, where the determinative principle is scientific capability.

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**Ковдря В. Оновлена редакція Декларації принципів щодо здійснення пошуку позаземного інтелекту 2026 року з правової точки зору**

**Анотація.** У статті досліджується оновлена редакція Декларації принципів щодо здійснення пошуку позаземного інтелекту, запропонована Комітетом SETI Міжнародної академії астронавтики у вересні 2025 року, з точки зору її наукового підґрунтя, статусу в системі міжнародного права та нормативних наслідків для останнього. Переглянута Декларація становить важливий етап у розвитку регулювання діяльності SETI, оскільки розширює зміст положень щодо дій після виявлення позаземного інтелекту та запроваджує нові підходи до їх нормативного охоплення у сфері, яка наразі не врегульована універсальними обов'язковими нормами.

Декларацію розглянуто в контексті наукової еволюції SETI, що дозволяє продемонструвати ґрунтовну наукову основу пошуку позаземного інтелекту, починаючи з проєкту "Озма", ініційованого Френком Дрейком, та формулювання рівняння, яке носить його ім'я. Відповідна наукова рамка підкреслює необхідність завчасного правового й етичного планування на випадок, коли існування позаземного інтелекту вийде за межі суто наукового дискурсу та набуде загальнолюдського значення.

З правової точки зору Декларація аналізується як інструмент "м'якого права", що функціонує в межах системи міжнародного космічного права та, зокрема, доповнює Договір про космос 1967 року. Особливу увагу приділено юридичному статусу м'якого права у сфері SETI, при цьому наголошується, що нормативна сила Декларації ґрунтується не на згоді держав чи процедурі ратифікації, а на визнанні з боку міжнародної наукової спільноти. Поняття "колективної відповідальності", використане в оновленому проєкті Декларації, піддається критичному аналізу, в результаті чого обґрунтовується висновок про те, що його не слід тлумачити ні як джерело юридично обов'язкових норм, ні як міжнародний звичай, а радше як форму випереджального відповідального поведіння.

**Ключові слова:** пошук позаземного інтелекту, космічне право, міжнародне право, Декларація принципів щодо діяльності після виявлення позаземного інтелекту, протоколи, м'яке право, рівняння Дрейка, метаправо.

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