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**LIABILITY WAIVERS AND PLANETARY DEFENSE MISSIONS: THE GOOD SAMARITAN PRINCIPLE**

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##### ABSTRACT

Despite the increasing international cooperation efforts in the area, currently, there is no specific legal framework for planetary defense missions against Near-Earth Objects (NEOs). The potential mission failure, causing damage to human life, property, and the environment, can bring serious legal consequences, regardless of the particularities of planetary defense operations.

The launching of space objects is regulated by a body of treaties that are part of the International Space Law. According to the Outer Space Treaty and the Space Liability Convention, each "launching State" is internationally liable for damage to another State and its nationals. The term is quite broad, encompassing: a) The State that launches the space object; b) the State owner or operator of the space object; c) the State whose territory the space object is launched; d) the State owner or operator of the space facility from which the space object is launched (PEDRAZZI, 2008). In the case of damage to the Earth's surface or aircraft in flight, liability is absolute, without proof of fault. It is possible to identify a disproportionate burden to all members of a planetary defense mission, regardless of their role and contribution.

The main research question is to explore alternatives to the current space liability regime applied to planetary defense missions, offering options that could contemplate liability waivers for some States. The hypothesis is to use the "Good Samaritan Principle" in future legal frameworks related to planetary defense, as mentioned by the U. Nebraska-Lincoln Report (2010). The research is exploratory, library-based, and non-empirical.

Good Samaritan Principle (or Laws) could be found in the domestic law of some countries (Australia, Canada, India, United Kingdom and United States). The law offers some legal protection to those who help injured, sick, or in danger person. The intent is to protect the helper from being sued if the action results in some accidental damages. Likewise, a State that offers resources, facilities, or territory for a planetary defense mission, in good faith, must enjoy legal protection that prevents from being sued for unpredictable and unintended damages.

The research points out that a new legal framework (a binding treaty or soft law) could include this clause. The limits of this clause and its details will be explored in the next stages of the research.

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