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**Remarks on Brazilian Space Laws**

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Let me firstly present an overview of the main space projects Brazil is developing today. It can give you an idea on the scope of legal issues my country is facing now:

**1) Chinese-Brazilian Earth Resource Satellite (CBERS), based on the agreement signed in 1988.**

The CBERS-1 has been launched in 1999 and the CBERS-2 in 2003.

The CBERS-2B – in construction now – should be launched by October 2006, in order to prevent any interruption between the end of the CBERS-2 time life and the beginning of the CBERS-3.

The CBERS-3 is planned to be launched by 2008, and the CBERS-4 by 2010.

The high quality of the CBERS-2 images give it reliability and competitiveness.

Since June 2004 more than 150,000 images were distributed freely in the Brazilian territory to more than 14,000 users – more than 2,000 institutions.

China, where the images of the CBERS are paid, has distributed about 10% of this number.

In Brazil, the free distribution of satellite images during at least two years is disseminating the culture of utilization of remote sensing data and creating a large internal market for its products.

**2) Brazilian-Russian cooperation established in 2004 to improve the Brazilian launch vehicle VLS-1, with the introduction of a solid fuel stage.**

The old VLS-1 failed in three attempts of launching. The new VLS-1 may be launched by 2007.

**3) Brazilian-Ukrainian Treaty, signed in 2003, which creates a bilateral company to explore commercial launchings by Cyclon-4 from Alcântara Launch Center localized in the north of Brazil, near the Equator circle.**

**4) Creation of the Alcântara Space Center, of civilian nature, in more than 85% of the territory of the Alcântara Launch Center, which is actually a military base under the command of the Brazilian Air Force.**

**5) Brazilian participation in International Space Station (ISS), based on a protocol signed by the Brazilian Space Agency and NASA in 1997.**

The first Brazilian astronaut, prepared by NASA, is planned to arrive to the ISS by March 2006 onboard of the Russian spacecraft Soyuz.

He is going to carry out many scientific experiments from the Brazilian Universities.

**6) Design and construction of telecommunication and meteorological satellites, as well as two scientific satellites (Equars – Equatorial Atmospheric Research Satellite, and Mirax – X-Ray Imagiator and Monitoring Satellite).**

All these actions – and some others – are described in the new NATIONAL PROGRAM OF SPACE ACTIVITIES 2005-2014, adopted in 2004, and published in 2005.

This important document is particularly useful for us to identify the Brazilian space legal demands of today and tomorrow.

But these demands are not mentioned in its text, although it has four annexes with legal documents enclosed.

So far, the major Brazilian laws relating to space activities are:

1) 1967 Outer Space Treaty, 1968 Rescue Agreement and 1972 Liability Convention, ratified by Brazil and incorporated into the Brazilian legislation.

Brazil did not sign the 1975 Registration Convention, but now it is prepared to be included as a Party of it, through a project of adherence, which is passing into approval by the National Congress.

2) Many bilateral agreements and protocols signed with China (about 15!), Ukraine, USA, Germany and some other countries, which are bases Brazil carries out its space activities.

3) Law of February 10<sup>th</sup>, 1994, which creates the Brazilian Space Agency, of civilian nature.

4) Decree of January 10<sup>th</sup>, 2003, which subordinates the Brazilian Space Agency to the Ministry of Science and Technology.

5) Decree of December 8<sup>th</sup>, 1994, approving the updating of the NATIONAL POLICY FOR THE DEVELOPMENT OF SPACE ACTIVITIES.

6) Decree of July 10<sup>th</sup>, 1996, creating the National System for the Development of Space Activities

7) Edict of 2001 adopted by the Superior Council of the BSA on the licensing for private enterprises to prepare launching operations in the Brazilian territory.

8) Edict of 2002 adopted by the same Council on the authorization for private enterprises to carry out launching operations in the Brazilian territory.

**The idea of a general national law on space activities is growing.**

In Brazil, there is already an increasing awareness on the need of an all-embracing national legal space framework.

It may be seen at the Brazilian Space Agency (only eleven years old), the National Institute for Space Research (INPE) and at some other institutions, as well as at the Brazilian Association of Air and Space Law.

A general law on space activities would probably include principles and provisions relating to both state (governmental) and private space activities.

Activities in different fields:

Launching services, industrial, commercial, remote sensing, communication, insurance, intellectual property

rights, and even in space education – regarding the enlargement of the formation of technician people and highly skilled critic mass, as well as the massive dissemination of space information and knowledge.

The central idea of such a wide and ambitious project is the hope that it could be an essential contribution to the consolidation of a strong, efficient, and well-organized space sector.

But we are fully aware that this is not an easy task.

The success of this complex work would depend on many factors:

- 1) Consolidation of the Brazilian Space Agency as the head of the national space policy and the effective instance of coordination of the system of all national space institutions;

- 2) Velocity of the development and implementation of the Brazilian Space Program. It requires, above all, the regular and timely transfer of the budgetary resources to the program.

Frequently the Brazilian Space Program, as well as other governmental organs, has the budget approved, but no money is available (released) to be expended in the program.

- 3) A bigger awareness of the public opinion on the Brazilian Space Program, particularly in the National Congress.

The parliamentary group that is interested in the scientific and technological projects and particularly in the space ones – although it is still relatively small and less powerful than it would be convenient – has been growing during the last years and achieving a rather more prestige and political weight.

The draft project of the new Brazilian space law will certainly be prepared by the Brazilian Space Agency.

This text has to be approved by the Presidency of Republic, who must submit it to the National Congress, where it should be discussed, reviewed, and approved by both the Camera of Representatives and the Senate.

It is a long and sometimes not straightforward way. In the best-case scenario it can be concluded within two years, whereas this process has not started yet.

**Is there any way we can save time and get there?**

It is not just a question. It is a challenge.

Let us prove the creativity of the Brazilian players in other field other than that of the soccer/football matches...

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