

53rd COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
The Current Status of the Rule of Law with Regard to Space Activities (4)

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ANALYSIS OF THE LEGAL INSTRUMENT SIGNED BETWEEN BRAZIL AND THE UNITED
STATES OF AMERICA REGARDING THE RETURN OF A SPACE OBJECT

Abstract

Late March 2008, in the city of Abadia de Goiás, State of Goiás, in the Brazilian territory, an object with unknown nature and origin was found. The object did not cause damages to properties and neither injury to animals or persons. Later, the object was identified as the component of a U.S. launch vehicle upper stage registered with the International Designator of 2007-046B in the United Nations Register of Space Objects. As soon as the origin of the object became known, the Embassy of the United States of America in Brazil, through its Diplomatic Note 383, of August 25, 2008, sent to the Brazilian Ministry of Foreign Affairs, required the return of the object to the North-American authorities, in accordance with Article 5 of the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (ARRA). The return's act took place on March 5, 2009, at the Brazilian National Institute for Space Research (INPE)'s plant, in São José dos Campos, SP, Brazil. This kind of ceremony had never happened in Brazil. The representatives of INPE and the Embassy of the United States of America in Brazil, on behalf, respectively, the Governments of Brazil and the United States of America, to formalize the return of the object to the North-American authorities, signed a specific instrument. However, ARRA does not foresee expressly the need of signing a legal instrument to formalize the return of a space object. In this context, the instrument signed between Brazil and the United States has a single nature. Therefore, the purpose of this paper is to present the whole text of the mentioned instrument, in order to verify if it is in accordance with the existing legal framework, as well as to start discussions regarding the feasibility of establishing proceedings and patterns about return of space objects.