

59th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Contemporary Considerations about the 1986 Principles Relating to Remote Sensing of the Earth from
Space (3)

Author: Mr. Alvaro Fabricio Dos Santos
Advocacy General of the Union - AGU, Brazil, alvaro.santos@agu.gov.br

Prof. José Monserrat-Filho
Brazilian Association of Air and Space Law, Brazil, jose.monserrat.filho@gmail.com

THE NEED OF AN INTERNATIONAL CONVENTION ON REMOTE SENSING

Abstract

From 2002 to 2004, the Brazilian Delegation at the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space – UN/COPUOS - tried to include a new item on the agenda of that Subcommittee, regarding the need of establishing an international convention on remote sensing. Brazil considered that the 1986 Principles Relating to Remote Sensing of the Earth from Outer Space, adopted by the United Nations General Assembly Resolution 41/65, should be updated in order to attend new situations resulting from technological innovations and commercial applications of remote sensing. In 2003, during the 42nd Session of that Legal Subcommittee, the Brazilian delegation submitted a working paper entitled "Why is an international convention on remote sensing of the Earth from outer space necessary?" At that same Session, Argentina, Brazil, Chile, Colombia, Cuba, Ecuador, Greece, Mexico and Peru presented a working paper emphasizing that the Subcommittee should consider a new agenda item entitled "Discussion on the development of an international convention on remote sensing". However, the consensus was not reached because some developed countries considered that the Principles were operating well. Those developed countries held the view that the increasing number of developing countries with their own remote sensing satellites, the fact that direct access was available to other States and the spread of remote sensing technology to all countries demonstrate that international cooperation had developed well under the 1986 Principles. In 2005, during the 44th Session of the COPUOS Legal Subcommittee, Brazil decided to withdraw its proposal in view of the fact that the Subcommittee would not be in a position to reach consensus on the inclusion of that item on its agenda. However, despite the Brazil's decision of withdrawing its proposal, this paper aims to demonstrate that the reasons for the establishment of a specific convention on remote sensing remain valid. Considering the crucial importance of the remote sensing for the global society as well as its current multidisciplinary application, this paper also aims to highlight the need of developing an appropriated legal framework for such activity.