

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
National space law and security – an update (5)

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BRAZILIAN NATIONAL LAW IN SPACE. HOW IMPORTANT IS IT?

Abstract

This paper intends to analyze the national space legislation to identify its effectiveness and propose measures that support current and future Brazilian space initiatives. In order to achieve this objective, it will propose a minimum regulatory instrument that promotes the country's space sector and serves as a starting point for other initiatives of its kind. The Brazilian government has had budgetary difficulties in investing adequately in this sector. The interest of the private sector in the area grows, and a new universe opens up, the so-called "New Space", a new form of space exploration. Thus, the Brazilian space program needs to adapt to this new reality, reaching the industry, academia, and government institutions to foster the global space economy's inclusive and sustainable growth. A general law on space containing basic provisions for legal certainty is necessary to develop private activities in the country. Like most Latin American countries, Brazil does not have an inspiring and secure legal framework for activities in the sector. Authorization, supervision, registration of space objects, and compensation are some examples of the sector's necessary regulatory standards. Besides, some issues deserve proper legal treatment: remote sensing, mitigation of space debris, among others. According to Euroconsult's Government Space Programs 2019 report, global government space budgets totalled around seventy billion dollars in 2018. This report showed that Brazil only spent a hundred and twenty and two million dollars, much less than Egypt, Turkey, Saudi Arabia, UAE and others. The scenario has to change in order to develop a space program in Brazil. The trustworthy legal framework will help boost local and foreign investment into the Country from private spaces companies.