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THE APPLICATION OF THE PRINCIPLES OF COMMUNITY LAW AND PUBLIC
INTERNATIONAL LAW IN THE PROPOSAL OF A CENTRAL AMERICAN SPACE POLICY: AD
HOC THE CENTRAL AMERICAN COURT OF JUSTICE AND COCESNA.

Abstract

This paper proposes the bases for the construction of a policy for the Central American region outer space, the principles of Community Law and International Public Law of the Central American Court of Justice (CCJ), as well as the regional institutionality of the Central American Integration System (SICA).

Since the last half of the century, SICA has been working in the development of community law in the region through the creation of regional institutions with competences (Councils of Ministers, Executive Committee), and the integration of organized Civil Society (Consultative Committee of Civil Society). But there are minute regulations on the use of Central American outer space. There is no common and unified regional policy, and the powers of the institutions are very reduced to manage any legal necessity in the field.

The paper suggests the creation of a regulatory institution of space policy in the region. It analyses the necessity of creation a Central American Space Agency, or, if a new regulation or agreement could fulfill these purposes to establishes regional policies for scientific research, technological development and industry participation, in order to achieve common welfare and security. An exhaustive analysis of the International Organizations and the European Space Agency is made, in order to make a pragmatic and comparative study to proposal the most viable solution to the region. The Central American Corporation for Aeronautical Safety Services (COCESNA) is a key institution associated to the SICA, is an important pillar for the development of this work and of the proposals made.

Central America need to start proposing real policies, institutions and solutions, for the regulation of the space law in the region; and the incoming years will be very important to define a policy for the fast-growing aerospace industry and research in the region (new satellites develop in the region will be launch by the end of this decade). As a solution, it is proposed to use the figure of COCESNA (through a Regulation, a resolution of the Council of Ministers or a Supplementary Agreement) as the regulator of the Central American outer space law.