Paper ID: 33985
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59th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Current Developments in Space Law with Particular Consideration for Latin America (5)

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COMMON ELEMENTS IN THE LATIN AMERICAN MECHANISMS IN COOPERATION IN THE PEACEFUL EXPLORATION AND USE OF OUTER SPACE

Abstract

Latin American countries have long traditions in creating international law rules which are ahead of time and sometimes different from those from European countries. One Example would be a treaty reservation system found as early as in the nineteenth century in Latin American countries which is to a certain extent similar to that adopted after World War II first in the advisory opinion by the International Court of Justice (ICJ) in 1951 and later taken in the Vienna Convention on the Law of Treaties. Another is the concrete provision of the right of collective self-defense, for the first time, provided for Act of Chapultepec in March 1945 which was followed by Art. 51 of the UN Charter (Act of Chapultepec was developed into the Inter-American Treaty of Reciprocal Assistance in 1947). The field of international space law also contains the specific Latin American accents from the ideas of the delimitation and definition of the outer space, to the concept of equitable access and use of the geostationary orbit, to the idea of the special status of the Equatorial countries, to the prior consent by the sensed State on the dissemination of satellite data expressed especially in mid 1970s, and to the restriction of the use of nuclear power sources in exploration of outer space. Of course, those ideas are not only developed by Latin American countries, but the special leadership in the Latin America cannot be denied. This article explores how Latin American concept in space law has influenced the international cooperation in carrying out space activities. First, characteristics of Latin American rules of space law have been studied from the outsider's standpoint as an Asian researcher. Second, the characteristics in Latin American regional cooperative mechanisms in space law have been studied using the comparative methodology. Several common elements of the Latin American mechanisms in cooperative mechanisms would be presented.