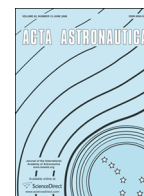


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Colombia's space policy: An analysis of six years of progress and challenges^{☆, ☆, ☆}



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ABSTRACT

This paper analyzes Colombia's space policy: its successes, its failures and what it still needs to achieve. The paper examines the interaction among the different players, and how this policy contributes to economic and social development of the country. And postulates that, unless a real national plan of action, with specific milestones and budget as well as a managing agency are developed, this policy may be in danger of disappearing.

The Colombian Space Commission (Comisión Colombiana del Espacio, or CCE) was created by Presidential Decree 2442 in 2006. It is a multi-sectorial entity, in charge of coordinating, planning, and leading in the implementation of national policies for the development and application of space technologies. The CCE was also charged with the drafting of plans and programs in this field. The CCE began with only a few members (15) and today is comprised of 47 members: 13 ministries, 4 administrative departments, another 21 governmental entities and 9 universities, the latter acting as consultants. The Vice-President of the Republic is the President of the CCE. These different actors gave great importance to the development of Colombia's space sector, and 6 years later, they are continuing support and development the country's space policy.

This analysis takes into account three aspects: first, achieving the objectives of the CCE: the creation and development of a national space policy for Colombia; secondly, focussing on "target groups" and "end users"; and thirdly, the "outcomes" or achievements to date.

Some conclusions are worth highlighting: first, the warm reception and support of the CCE by both the public and private sectors on high levels, but the poor knowledge of the national space policy by the Colombian people and the small and medium companies. Secondly, in the context of public policy [9], the strategic plan called "National Policy in regard to Space Activities", is caught between two phases: the formulation and decision-making regarding the program, and its implementation. And finally, the members of the CCE do not necessarily act in accordance with a national strategy, but follow their own interests, resulting in undue influence (and perhaps interference) in the development of a coherent national space policy.

In brief, the author hopes that this first analysis of Colombia's experience with its Space Commission will serve as an example to other developing countries that also are seeking to develop their space sector, and implement a national space policy. Further, the author hopes that this analysis will allow the various politico-administrative actors "policy makers" in Colombia, as well as the general public, to realize that, while much has been accomplished, much still remains to be done. It is essential to keep alive the interest shown in space

[☆] 23rd United Nations/International Astronautical Federation Workshop on "Space Technology for Economic Development".

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activities; otherwise, Colombia's space policy may become an “endangered species”, in danger of failing and disappearing.

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1. Background

Since the early 70's Colombia began to participate actively in international forums about outer space, mainly in the UNCOPUOS [United Nations Committee on the Peaceful Uses of Outer Space, for its English acronym] and its technical committees, and in the International Telecommunications Union and its respective working groups. This sudden interest in the space sector was due to the dispute about sovereignty over the Geostationary Orbit – GO, that Colombia had led for more than three decades and forced the country to carry out an active debate in specialized forums to try to achieve its goals.

Consider the problem thoroughly: the controversy over GO reflects a dispute begun by the [most] equatorial countries [Colombia, Brazil, Ecuador, Gabon, Indonesia, Kenya, Somalia, Uganda and the Democratic Republic of Congo (formerly Zaire)] in 1975 in which they claimed that the GO was part of their national territory and this fact conferred of those countries, rights of access and use [sovereignty] of this area. In the other hand, the other nations have had legal limitations. This claim was never accepted by the superpowers, based on Article 2 of the Outer Space Treaty (OST) that says: “Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means”¹. The equatorial states [including Colombia] were never able to enforce their claim, against the rest of the world, because they did not have the power and the technology to access to outer space that already had the powerful countries. Over the years the dispute has gradually evolved into a demand for equal access to this orbit that guarantees access to all nations [1], as the GO is considered a limited natural resource that will eventually become saturated².

“As a result of this longstanding dispute, some of the representatives responsible for drafting the new Colombian Constitution in 1991 tried to give this claim greater legitimacy by establishing in the national legislation that the GO and the electromagnetic spectrum formed part of the national territory [The initiative was presented, many years after the claim lost in the international arena.]. Accordingly, the Article 101 of the Constitution of the Republic of Colombia (1991) defines the national territory, its borders, and thus the area that falls under its jurisdiction. Paragraph 3

of this article states: “The subsoil, the territorial waters, the contiguous areas, the continental shelf, the exclusive economic area, the airspace, *the segment of the geostationary orbit (GO), the electromagnetic spectrum and the space in which it acts* shall also be part of Colombia, in accordance with International Law or with Colombian laws in the absence of international legislation”. Colombia has signed but not ratified the three first UN treaties on the peaceful use of outer space (The Outer Space Treaty – OST, the Rescue Agreement and the Liability Convention) and has not signed the two most recent agreements (The Registration Convention and the Moon Treaty), so it is currently not bound by them”³. Currently, Colombia is in the process of ratifying the Liability Convention and Registration Convention [2].

This entire diplomatic movement was accompanied by several proposals for the technical development of the space sector such as: the project SATCOL⁴ [Colombian Satellite System, for its Spanish acronym] (a system that projected a fleet of communications satellites operated by the Colombian government to compete with other international systems) or the Simon Bolivar Andean Satellite⁵ (a project of the Andean countries to have a common communications satellite). These projects were never carried out due to multiple factors such as budget, coordination among States, political will, public acceptance, etc. [3]. This lack of space projects always limited Colombia in terms of its international claims (Colombia was not a country interested in space) and led it to seek a defense position for guaranteeing and protecting the future rights of access to space [as established by the OST: Articles I and III or the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States. Taking into Particular Account the Needs of Developing Countries of 1996], thus disregarding it is old and only claim.

In the period between 2002 and 2006 Colombia chaired the pro-tempore Secretariat of the Fourth Space Conference of the Americas, a fact that achieved the inclusion of space issues on the agenda of the Colombian government. Colombia had showed poor management results during this period at the level of the Americas, but internally was able to change its position about the GO⁶ and transformed it into a search for a real development of the area. Thus in 2006 the government of President Alvaro Uribe Vélez decided to

¹ UN Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. Adopted by the UN General Assembly in its resolution 2222 (XXI) of 19 December 1966.

² The Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries. United Nations, General Assembly (resolution 51/122 of 13 December 1996).

³ BECERRA ORTIZ, Jairo A. A survey of Colombia's new outer space policy: Reforms in Colombian law, Acta Astronautica, No. 63, 2008, pp. 560–563.

⁴ This name is used for the new satellite communication project also. See <http://archivo.mintic.gov.co/mincom/>.

⁵ See *Comunidad Andina de Naciones* in particular communication project.

⁶ The government showed that the claim on the GO was lost and it was time to change its policy about the issue.

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