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National Implementation of Space Law:
Hard and Soft Law in Colombia and Mexico.

By Maria Pardo

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PRONUNCIATION:

'che-l&m, is Latin for airspace or sky. The Romans began questioning the rights they had in the space above the land they owned and how high above them those rights would extend. They decided on, Ad coelum et ad inferos, meaning that their property rights would extend as high up as the heavens and all the way down to hell.

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The rapid development of space activities in recent decades has generated new legal challenges that demand clear, effective, and adaptable regulatory frameworks. In this context, international space law has evolved through a combination of binding (*hard law*) and non-binding (*soft law*) instruments, forming a complex and dynamic normative regime. While *hard law* is primarily reflected in international treaties ratified by States, soft law consists of resolutions, principles, and guidelines issued by international bodies such as the United Nations which, although not legally binding, exert significant influence on national legislation and policymaking.

Both Mexico and Colombia have shown increasing interest in the space sector, as evidenced by their participation in multilateral forums¹ and their development of institutional and legal frameworks. This article aims to examine how *hard law* and *soft law* norms are applied in the context of space law in Colombia and Mexico. It begins with a conceptual overview distinguishing both types of norms and then analyzes their adoption and implementation within each national legal framework. The objective is to identify advances, regulatory gaps, and prospects for regional harmonization.

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I. Conceptual Framework

The distinction between hard law and soft law is a central element in the analysis of international legal regimes, particularly in emerging fields such as space law, where binding obligations often coexist with non-binding instruments aimed at guiding State behavior.

Hard law creates legally binding obligations for states. In space law, this includes the five core UN treaties developed by the UN Committee on the Peaceful Uses of Outer Space (COPUOS): the Treaty on Principles Governing the Activities in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 1967 (the "OST"); the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of objects Launched into Outer Space, 1968 (the "Rescue Agreement"); the Convention in International Liability for Damage Caused by Space Objects, 1972 (the "Liability Convention"); the Convention in Registration of Objects Launched into Outer Space, 1975 (the "Registration Convention") and, the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, 1979 (the "Moon Agreement")². Ratifying these treaties incorporates them into national legal systems and international obligations.

1.- For instance, during the 67th session of the Committee on the Peaceful Uses of Outer Space, held in Vienna, Austria, from June 19 to 28, 2024, both Mexico and Colombia delivered official statements. Mexico's statement: https://www.unoosa.org/documents/pdf/copuos/2024/statements/6_Mexico.pdf
Colombia's statement: https://www.unoosa.org/documents/pdf/copuos/2024/statements/11_Colombia.pdf.

2.- The complete texts of the space treaties are available on the United Nations Office for Outer Space Affairs website at: <https://www.unoosa.org/oosa/en/our-work/spacelaw/treaties.html>

Soft law includes non-binding instruments such as UN principles³ and guidelines⁴. Notable examples are the 1992 Principles on Nuclear Power Sources in Space, the 1996 Declaration on International Cooperation in Space, and the 2019 Guidelines for the Long-term Sustainability of Outer Space Activities. These instruments often guide state behavior and inform future treaty-making. Soft law is especially important in rapidly developing fields like space, where a binding consensus may not keep pace with technological advancement.

Understanding how Colombia and Mexico engage with both types of norms provides insight into their legal strategies, international commitments, and institutional capacities within the field of outer space governance.

II. Colombia: Reliance on Hard Law, Emerging Soft Law Engagement

Colombia has ratified the OST, the Rescue Agreement, the Liability Convention, and the Registration Convention⁵. However, it has not signed the Moon Agreement. These ratifications demonstrate Colombia's formal commitment to the foundational norms of international space law.

Domestically, Colombia lacks a dedicated space law. The Colombian Space Commission (Comisión Colombiana del Espacio, CCE), created on July 18, 2006, has limited authority and no regulatory mandate. It primarily serves a coordinating role across governmental entities, without power to license private actors or register space objects.

Although Colombia has endorsed soft law instruments like the 2019 UN Guidelines, they have not yet been implemented in domestic regulations. Their influence is mostly seen in academic and policy discussions rather than enforceable norms. This reflects the country's early stage in space development and its reliance on international instruments to frame national actions.

III. Mexico: Institutional Maturity and Legal Integration

Mexico has demonstrated a more developed institutional and legal approach to space activities compared to Colombia, incorporating both hard law obligations and soft law guidelines into its national framework. As an early and active signatory of the core United Nations treaties on outer space—including all five major UN space treaties, notably the Moon Agreement—Mexico underscores a strong normative commitment to the peaceful and equitable use of outer space.

The Mexican Space Agency (Agencia Espacial Mexicana - AEM), established in 2010 under the Law Creating the Mexican Space Agency⁶, provides an institutional foundation for space governance. Although the AEM focuses primarily on strategic planning and international cooperation rather than regulatory functions, it plays a key role in facilitating the implementation of Mexico's international space obligations. However, it is important to note that the government ordered the incorporation of

3.- The Declaration of Legal Principles Governing the Activities of States in the Exploration and Uses of Outer Space, The Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting, The Principles Relating to Remote Sensing of the Earth from Outer Space, The Principles Relevant to the Use of Nuclear Power Sources in Outer Space and 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.

4.- For instance, the Guidelines for the Long-term Sustainability of Outer Space Activities of the Committee on the Peaceful Uses of Outer Space. Available at: https://www.unoosa.org/documents/pdf/PromotingSpaceSustainability/Publication_Final_English_June2021.pdf

5.- Status of International Agreement relating to Activities in Outer Space. Available at: <https://www.unoosa.org/oosa/de/ourwork/spacelaw/treaties/status/index.html>

6.- Diario Oficial de la Federación (DOF), July 30, 2010. Ley que crea la Agencia Espacial Mexicana. Available at: <https://www.diputados.gob.mx/LeyesBiblio/pdf/LAEM.pdf>

the AEM into the Satellite Directorate (Dirección General Satelital) of the Digital Transformation and Telecommunications Agency (Agencia de Transformación Digital y Telecomunicaciones - ATDM) to create the Mexican Space Program (Programa Espacial Mexicano). This is particularly significant and is object of critics within the industry, as it resulted in a reduction of both its budget, autonomy and its authority, representing a setback rather than progress and generating a debate regarding its future and efficiency.

Mexico also actively engages with soft law. It has incorporated principles from the 2019 UN Guidelines into strategic plans and participates in initiatives like the Latin American and Caribbean Space Agency (*Agencia Latinoamericana y Caribeña del Espacio - ALCE*), which promote regional cooperation and sustainability.

Nonetheless, Mexico lacks a comprehensive national space law that codifies licensing, registration, liability, and oversight of private actors. As a result, its implementation of both hard and soft law remains partially informal, pending further legal development.

IV. Comparative Assessment

Both countries have ratified the key hard law treaties, though Mexico's ratification of the Moon Agreement highlights its broader commitment. Institutionally, Mexico has advanced further with the creation of a dedicated agency and partial integration of soft law principles into policy, while Colombia's CCE remains structurally weak.

Soft law adoption remains aspirational in both contexts. Neither country has fully transposed the 2019 UN Guidelines or similar instruments into binding national rules. However, Mexico's use of soft law in strategic documents suggests a more proactive posture.

V. Conclusion: Toward Regional Harmonization

Mexico and Colombia illustrate two stages of space law development. Mexico's integrated approach—combining treaty ratification, institutional structure, and strategic planning—positions it as a regional leader. Colombia, while committed at the international level, needs further domestic legal development and institutional reinforcement.

In an era of expanding commercial and scientific space activity, the integration of hard and soft law is not merely a legal formality, it is essential to sustainable and equitable space governance. This is especially true for developing countries, where space-based technologies can drive social progress through telemedicine, remote education, and inclusive development. With many developing nations facing geographic barriers, well-regulated access to space technologies can become a transformative tool for achieving meaningful social and economic development.

Latin American countries should also work toward aligning their interests to use space technologies to help address primary needs and, collectively, advocate for their shared interests on the global stage. Such coordination can strengthen their negotiating power and ensure that the region benefits equitably from the growth of the space sector.

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