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## **National space legislation : future perspectives for Malaysian Space Law**

Saari, C.Z.B.

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**Author:** Saari, Che Zuhaida Binti

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APPENDIX A

Table No.3.1: Some Differences and Similarities of 7 Selected States

| STATES                                                                       | LEGAL SYSTEM | MAIN SPACE BODY                                                      | SPACE OBJECT LAUNCHED (NUMBER)                      | OUTER SPACE CONVENTIONS (MEMBERSHIP)                                       | SPACE LEGISLATION [FOR IMPLEMENTATION OF THE UN SPACE TREATIES OBLIGATIONS]             |                                                                                                  |                                                                                                   |                                                                                 |                                                                                                                                                                                           |                                                        |
|------------------------------------------------------------------------------|--------------|----------------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
|                                                                              |              |                                                                      |                                                     |                                                                            | DOMESTIC LEGISLATION                                                                    | OBLIGATIONS AS IMPOSED BY THE UN SPACE TREATIES                                                  |                                                                                                   |                                                                                 |                                                                                                                                                                                           |                                                        |
|                                                                              |              |                                                                      |                                                     |                                                                            |                                                                                         | AUTHORISATION                                                                                    | REGISTRATION                                                                                      | CONSTANT MONITORING & SUPERVISION                                               | LIABILITY & INDEMNIFICATION                                                                                                                                                               | SAFETY, PEACE & SECURITY MEASUREMENT                   |
| 1. The United Kingdom                                                        | Common Law   | UK Space Agency                                                      | 43 objects<br>* Most objects registered with the UN | Member to 4 treaties [OST, RA, LC, RC]<br><br>*Non-member : Moon Agreement | UK Outer Space Act 1986                                                                 | Observed through licensing system                                                                | Observed through:<br>1. UK Registry of Space Object.<br>2. Supplementary Registry of Space Object | Observed through power the UK Secretary of State                                | * Passing all the risk of international liability to the licensee without limit [No limitation of liability]<br>* Imposed an Indemnification Rule<br>* Requirement of liability insurance | Observed through:<br>e.g. technical safety assessment. |
| 2. Australia<br>[*Speciality: first the legislation to define 'outer space'] | Common Law   | *Space Licensing and Safety Office (SLASO)<br><br>*Space Policy Unit | 13 objects<br>*All objects registered with the UN   | Member to all 5 treaties [OST, RA, LC, RC, MA]                             | *Australia Space Activities Act 1998<br><br>*Australia Space Activities Regulation 2001 | Observed through various modes:<br>1. Licence<br>2. Permit<br>3. Certificate<br>4. Authorisation | Observed through:<br>1. Australian National Registry of Space Object                              | Observed through creation of specific post:<br>e.g. Launch Safety Officer (LSO) | * Monetary Limitation on liability<br>* 2 clear divisions of liability:<br>a. strict liability<br>b. fault liability                                                                      | Observed through:<br>e.g. investigation regime         |

| STATES    | LEGAL SYSTEM | MAIN SPACE BODY                                                                                                                           | SPACE OBJECT LAUNCHED (NUMBER)                                               | OUTER SPACE CONVENTIONS (MEMBERSHIP)                                       | SPACE LEGISLATION [FOR IMPLEMENTATION OF THE UN SPACE TREATIES OBLIGATIONS]                                                                                                     |                                                                |                                                                              |                                            |                                                                                                                      |                                                      |
|-----------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
|           |              |                                                                                                                                           |                                                                              |                                                                            | DOMESTIC LEGISLATION                                                                                                                                                            | OBLIGATIONS AS IMPOSED BY THE UN SPACE TREATIES                |                                                                              |                                            |                                                                                                                      |                                                      |
|           |              |                                                                                                                                           |                                                                              |                                                                            |                                                                                                                                                                                 | AUTHORISATION                                                  | REGISTRATION                                                                 | CONSTANT MONITORING & SUPERVISION          | LIABILITY & INDEMNIFICATION                                                                                          | SAFETY, PEACE & SECURITY & MEASUREMENT               |
|           |              |                                                                                                                                           |                                                                              |                                                                            |                                                                                                                                                                                 |                                                                |                                                                              |                                            | *Fixing the liability period                                                                                         |                                                      |
| 3.The USA | Common Law   | *National Aeronautics and Space Administration (NASA)<br><br>*Office of Commercial Space Transportation (Federal Aviation Administration) | 2077 objects<br><br>* Some of them were registered with the UN, but some not | Member to 4 treaties [OST, RA, LC, RC]<br><br>*Non-member : Moon Agreement | *Rules not contain in single legislation – evolves as need arose<br><br>*Most referred:<br>1.Commercial Space Launch Activities<br>2.Commercial Space Transportation Regulation | Observed through modes:<br>1. Licence<br>2.Experimental Permit | Observed, but with certain exceptions:<br>1. objects owned by foreign entity | Observed by a designating specific officer | * Monetary Limitation on liability<br><br>*Determination of maximum probable loss<br><br>*Reciprocal waiver of claim | Observed, especially when involved human spaceflight |

| STATES      | LEGAL SYSTEM                                        | MAIN SPACE BODY                                                   | SPACE OBJECT LAUNCHED (NUMBER)                        | OUTER SPACE CONVENTIONS (MEMBERSHIP)                                  | SPACE LEGISLATION [FOR IMPLEMENTATION OF THE UN SPACE TREATIES OBLIGATIONS] |                                                                                                          |                                                                                |                                   |                             |                                        |
|-------------|-----------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------|-----------------------------|----------------------------------------|
|             |                                                     |                                                                   |                                                       |                                                                       | DOMESTIC LEGISLATION                                                        | OBLIGATIONS AS IMPOSED BY THE UN SPACE TREATIES                                                          |                                                                                |                                   |                             |                                        |
|             |                                                     |                                                                   |                                                       |                                                                       |                                                                             | AUTHORISATION                                                                                            | REGISTRATION                                                                   | CONSTANT MONITORING & SUPERVISION | LIABILITY & INDEMNIFICATION | SAFETY, PEACE & SECURITY & MEASUREMENT |
| 4. India    | Common Law                                          | India Space Research Organisation (ISRO)                          | 53 objects<br>* Most objects registered with the UN   | Member to 4 treaties [OST, RA, LC, RC]<br>*Non-member: Moon Agreement | N/A                                                                         | Applied to certain space activities only – through licensing system [under Guideline and Procedure only] | Observed at international level, but not effectively applied at national level | Not efficiently performed         | N/A                         | N/A                                    |
| 5. Thailand | Civil law but with certain influenced of common law | *Geo-Informatics and Space Technology Development Agency (GISTDA) | 7 objects<br>*Most objects not registered with the UN | Member to 2 treaties [OST, RA]<br>*Non-member: LC, RC, MA             | N/A                                                                         | N/A                                                                                                      | Not observed                                                                   | Not effectively performed         | N/A                         | N/A                                    |

| STATES       | LEGAL SYSTEM | MAIN SPACE BODY                                                  | SPACE OBJECT LAUNCHED (NUMBER)                  | OUTER SPACE CONVENTIONS (MEMBERSHIP)                          | SPACE LEGISLATION [FOR IMPLEMENTATION OF THE UN SPACE TREATIES OBLIGATIONS] |                                                 |              |                                   |                             |                                      |
|--------------|--------------|------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------------------|--------------|-----------------------------------|-----------------------------|--------------------------------------|
|              |              |                                                                  |                                                 |                                                               | DOMESTIC LEGISLATION                                                        | OBLIGATIONS AS IMPOSED BY THE UN SPACE TREATIES |              |                                   |                             |                                      |
|              |              |                                                                  |                                                 |                                                               |                                                                             | AUTHORISATION                                   | REGISTRATION | CONSTANT MONITORING & SUPERVISION | LIABILITY & INDEMNIFICATION | SAFETY, PEACE & SECURITY MEASUREMENT |
|              |              | *Space Affairs Bureau                                            |                                                 |                                                               |                                                                             |                                                 |              |                                   |                             |                                      |
| 6. Singapore | Common Law   | No specific space agency<br>MICA<br>IDA<br>SSTA                  | 3 objects<br>* No object registered with the UN | Member to 3 treaties [OST, RA, LC]<br><br>*Non-member: RC, MA | N/A                                                                         | N/A                                             | Not observed | Not effectively performed         | N/A                         | N/A                                  |
| 7. Brunei    | Common Law   | No specific space agency<br><br>Brunei Ministry of Communication | No Object                                       | Non-member                                                    | N/A                                                                         | N/A                                             | N/A          | N/A                               | N/A                         | N/A                                  |

Keywords: (OST) – Outer Space Treaty 1967; (RA) – Rescue Agreement 1968; (LC) – Liability Convention 1972; (RC) – Registration Convention 1975; (MA) – Moon Agreement 1979; (N/A) – Non-applicable

## APPENDIX B

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## Curriculum Vitae

Che Zuhaida Saari was born on 17 May 1971 in Kota Bharu, Kelantan, Malaysia. She graduated from International Islamic University of Malaysia (IIUM), Kuala Lumpur, with a Bachelor of Laws in 1995 and a Bachelor of Laws (*Syariah*) in 1996. She was admitted as an Advocate and Solicitor of the High Court of Malaya in September 1997 and as a member of the Malaysian Bar Council. She worked as a lawyer from 1997 to 2000 at Messrs Anuar, Hong and Ong, a law firm in Kuala Lumpur. In 2000, she enrolled in a Master of Laws programme (on a part-time basis) in the Faculty of Law, University of Malaya, Kuala Lumpur, and then successfully obtained an LL.M in 2002. Indeed, the programme acquainted her with Air and Space Law courses.

From 2000 to 2002, she was a law teacher at the Department of Law, Matriculation Centre, International Islamic University of Malaysia, Kuala Lumpur. In 2002 she was promoted to the post of Lecturer and continued her service until June 2007. In July 2007, she joined the Faculty of *Syariah* and Law of the Islamic Science University of Malaysia (USIM), Negeri Sembilan, and is currently working as a law tutor in the Faculty.