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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 * Most objects registered with the UN	Member to 4 treaties [OST, RA, LC, RC] *Non-member : Moon Agreement	UK Outer Space Act 1986	Observed through licensing system	Observed through: 1. UK Registry of Space Object. 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] * Imposed an Indemnification Rule * Requirement of liability insurance	Observed through: e.g. technical safety assessment.
2. Australia [*Speciality: the first legislation to define 'outer space']	Common Law	*Space Licensing and Safety Office (SLASO) *Space Policy Unit	13 objects *All objects registered with the UN	Member to all 5 treaties [OST, RA, LC, RC, MA]	*Australia Space Activities Act 1998 *Australia Space Activities Regulation 2001	Observed through various modes: 1. Licence 2. Permit 3. Certificate 4. Authorisation	Observed through: 1. Australian National Registry of Space Object	Observed through creation of specific post: e.g. Launch Safety Officer (LSO)	* Monetary Limitation on liability * 2 clear divisions of liability: a. strict liability b. fault liability	Observed through: 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
		*Space Industry Innovation Council							*Fixing the liability period	
3.The USA	Common Law	*National Aeronautics and Space Administration (NASA) *Office of Commercial Space Transporta-tion (Federal Aviation Ad-ministration)	2077 objects * Some of them were registered with the UN, but some not	Member to 4 treaties [OST, RA, LC, RC] *Non-member : Moon Agreement	*Rules not contain in single legislation – evolves as need arose *Most referred: 1.Commercial Space Launch Activities 2.Commercial Space Transportation Regulation	Observed through modes: 1. Licence 2.Experimental Permit	Observed, but with certain exceptions: 1. objects owned by foreign entity	Observed by designating a specific officer	* Monetary Limitation on liability *Determination of maximum probable loss *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 Organisa-tion (ISRO)	53 objects * Most objects registered with the UN	Member to 4 treaties [OST, RA, LC, RC] *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 influen-ced of common law	*Geo-Informatics and Space Technology Developme nt Agency (GISTDA)	7 objects *Most objects not registered with the UN	Member to 2 treaties [OST, RA] *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 MICA IDA SSTA	3 objects * No object registered with the UN	Member to 3 treaties [OST, RA, LC] *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 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.