

International Law and Domestic Legal Systems: Space Law in Nigeria and South Africa

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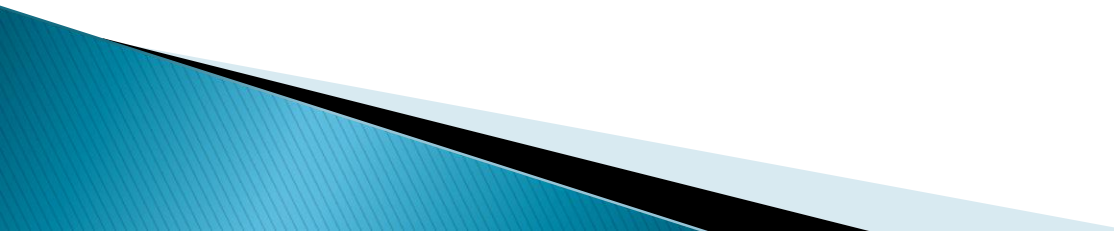
Mombassa, 28th September 2011



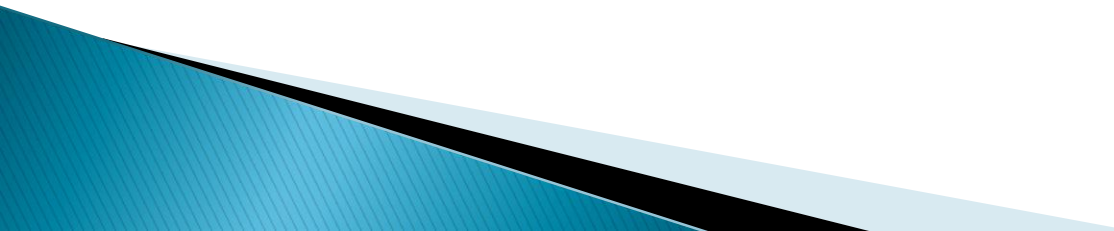
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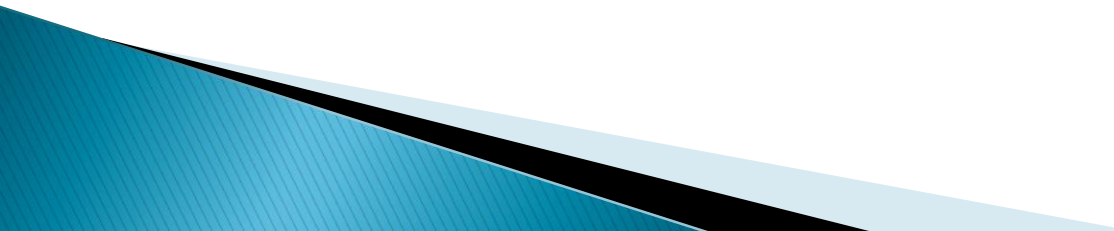
International Obligations and Domestic Needs

- ▶ International Law can only be implemented by State bodies
 - ▶ International Law can only be put into operation if the domestic legal systems of States are ready to implement them
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International Law and Space Law

- ▶ International law (Treaties, Custom, General Principles of International Law, Resolutions, Judicial Decisions of International Courts and Tribunals, Doctrines of Legal Specialists)
 - ▶ International Space Law (Five United Nations Treaties, Bilateral Agreements, Declarations / Resolutions, and Custom)
 - ▶ National Laws adopted by individual space fairing States (Intellectual property, Contracts, Foreign Investment, Insurance, Export Controls, Telecommunications, Data Protection, etc)
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Domestic Implementation

- ▶ To what extent do African countries set up domestic machinery for implementing Space law ?
 - ▶ How far do African States comply with Rules of Space Law by performing the acts necessary to put them into effect ?
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National Examples

- ▶ **Nigeria (OST, LC, RC, RRAA)**
 - National Space Policy, 1999
 - National Space Research and Development Bill, 2008
 - National Geo-Information Policy, 2003
 - Communications Act, (Laws of the Federation 2004)
 - Insurance Act, (Laws of the Federation 2004)
- ▶ **South Africa (OST, RRAA)**
 - Space Affairs Act No. 84, 1993 (Space Affairs Amendment Act, 1995)
 - National Space Agency, Bill
 - National Space Policy
 - Spatial Data Infrastructure Act, 2003
 - Disaster Management Act, 2002
 - Others (Independent Regulatory Authority, Electronic Communications)
- ▶ **Example: On compliance with obligation to register space objects**
 - Nigeria – Registration of NigeriaSat 1
 - South Africa – National Registry of Space Objects (sunsat, Sumbandila satellites)

Recommendations

- ▶ Accede to the United Nations Treaties on Space Law
 - ▶ Contribute to State Practice
 - ▶ Implement National (Domestic / Municipal), Policies, Laws, and Regulations taking into account the differing legal traditions, and distinct cultural, economic and industrial features of States
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