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

Tare Brisibe

Mombassa, 28th September 2011
Contents

- International Obligations and Domestic Needs
- International Law and Space Law
- Domestic Implementation
- National Examples (Nigeria, South Africa)
- Recommendations
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.
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)
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?
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)

- **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

- Accedde 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