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National space law developments with particular focus on the Middle East region (5)

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NATIONAL COMPLIANCE WITH INTERNATIONAL SPACE LAW: A CASE STUDY OF THE UNITED STATES, SOUTH KOREA, BRAZIL, SOUTH AFRICA, AND NIGERIA

Abstract

The number and types of space activities and space actors continue to grow, posing new and unique challenges for space governance and the sustainability of the outer space environment. Presently, little is understood in terms of how well nation states comply in their own national laws and activities within international space law and norms as measured against a comprehensive and systematic assessment. The evidence-based policymaking and programming movement, alongside the rise of ratings and rankings research, suggests the utility of such an assessment to informing policymaking and identifying the varying levels of compliance among spacefaring countries.

This paper explores how well various spacefaring states, representing the spectrum of advanced, intermediate, and emerging players, comply with established international space law and norms grounded in United Nations-level treaties, resolutions, principles, and guidelines. The findings of the research demonstrate the United States is highly compliant with international space law, whereas South Korea, Brazil, South Africa, and Nigeria prove mostly compliant (a rating below highly compliant). Potential ratings resulting from application of the assessment framework are on a scale of highly compliant, mostly compliant, partially compliant, minimally compliant, and non-compliant.

The analysis presented in the paper explains the various reasons for why the case study countries received the ratings they did, and suggests recommendations for how greater adherence to international space law and norms can be achieved within the case study countries. The discussion in the paper also reflects on the assessment framework itself, and how it is structured based on leading practices developed from similar ratings and rankings research in the economic, governance, and human rights fields.

With continued application over time, this framework would further normalize and propagate the policy and practices captured within the international space law and norms and assist new space actors, including emerging spacefaring countries, in easily identifying and adopting leading policies and practices. The paper concludes by inviting further contributions for additional case studies, and a proposal for how future assessments of compliance could be applied by a group of objective civil society organizations and academic institutions.