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## THE FRAGMENTATION OF INTERNATIONAL SPACE LAW

**Abstract**

Since 2005 a growing number of states have adopted national space legislation to ensure adherence to international obligations, clarify rights under international space law, and promote regulatory certainty for space activities under their jurisdiction. A certain degree of similarity is seen in the interpretation of these international rights and obligations. However, the purpose of this paper is to demonstrate that diverging interpretations on a national level already exist, and that coordination in the interpretation and application of space law is both beneficial and necessary to avoid competing interpretations of core principles and, potentially, fragmentation of international space law.

To demonstrate this, this paper builds on analogies from the Report of the Study Group of the International Law Commission on the Fragmentation of International Law. While the Report focuses on fragmentation through competing international legal regimes, we will examine fragmentation through diverging national interpretations. The interpretations that are reflected in national space legislation are often contextual, and products of national space capabilities and ambitions. As such the discussions in the Report regarding competing *lex specialis*, each with its own purpose and reasoning, may provide a useful analogy and insight into the processes and consequences of fragmentation of international law.

Thereafter, this paper will present a brief comparative study on the scope of various national space legislation. This study will highlight variations in the interpretation of what activities lead to international responsibility under Article VI of the Outer Space Treaty. Particular attention will be given to who is defined as the subject of national space legislation, and what is defined as a space activity. Lastly, the paper will outline the potential consequences of the fragmentation of international space law; legal uncertainty, flags of convenience, and worst case - conflicts. The conclusion will underline a need and urgency for some coordination due to the growing number of private space actors operating across jurisdictions and the increase in national space legislation.