

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
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Author: Mr. David Lit Xian Ho
Malaysia

Ms. Sholehah Ismail
Malaysian Space Agency (MYSA), Malaysia

MALAYSIA'S NEW SPACE LAW: A CASE STUDY FOR EMERGING SPACE COUNTRIES AND
NUANCES FOR INTERNATIONAL SPACE LAW STUDIES

Abstract

The Malaysian Space Board Act 2022 was introduced as a bill in 2020, passed in 2021 and gazetted in early 2022. The enactment of the Act heralds Malaysia's joining a small group of Asian countries with comprehensive national space legislations. However, the idea of enacting a Malaysian space law is not recent – indeed, efforts have begun years in advance. The Act's success in overcoming inertia and numerous challenges owes much to its many promoters and stewards.

The Malaysian Space Board Act consolidates and crystallises Malaysia's interpretation of international space law concepts (including, notably, defining "space" to mean "a void extending from one hundred kilometres above mean sea level") and balancing of national priorities versus the needs of a nascent domestic commercial space industry. Through enacting the Act, Malaysia demonstrates its commitment to develop space science and technology based on peaceful use and in accordance with the principles of the international space laws. Besides providing a rational framework for the regulation and promotion of the space industry domestically, the Act underlines Malaysia's position as a responsible space state internationally.

In this paper, the writers will trace the significant milestones of the Act, on the premise that the stewardship of the Act through the Malaysian legislative process might prove to be a useful case study for emerging space countries engaged in similar domestic undertakings.

Next, this paper will highlight elements and nuances in the Act that may be of interest to international space law experts, focussing on how Malaysia has addressed areas such as scope and concepts, regulatory body and liability regime.

Finally, the writers will discuss potential areas that the implementing regulations of the Act may address, especially to respond to rapid developments and innovations, domestically as well as abroad, in order to ensure the long-term sustainability of outer space activities and safeguard Malaysia's peaceful use of outer space.