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LEGAL FRAMEWORK FOR SOUTH AFRICAN SPACE ACTIVITIES: AN ANALYSIS OF THE
LEGAL RULES GOVERNING LAUNCHING, OPERATION OF A SATELLITE AND APPLICATIONS
BY PRIVATE ACTORS.

Abstract

South Africa as an emerging space faring nation has been participating actively in the exploration of space since the dawn of the Space Age in the 1950's and there has been an continuous history of scientific endeavours moving from as satellite tracking, support for lunar and interplanetary missions from a CSIR tracking station at Hartebeesthoek, launch of kilogram micro-satellite, Sunsat in 1999 and the launch of eighty kilogram micro-satellite, in 2009. In addition, space applications have become an indispensable part of the modern information society and growing recognition of the benefits derived from the use of space applications is encouraging the country to conduct space activities. All these activities show a commitment by the government of South Africa to advance its scientific and technology activities in order to deliver on a wide range of national priorities relating to our socio-economic development. All these activities were undertaken without any specific relevant legal framework as the first national legislation was only enacted in 1993, amended in 1993.

However, for the country to effectively participate in international markets, a supportive legal and regulatory environment which is in accordance with international standards and practices should be strengthened. Even though a number of basic components of the legal framework covering activities directly contributing to the launching of spacecraft and the operation of such craft in outer space and communications are in place, but some gaps remain in other areas including remote sensing as there are more policies than laws. As a result, existing regimes are currently not very supportive of commercial space activities as they are focusing on National interests.

This paper will examine the legal and regulatory environment governing space activities in South African taking into account the history; the current space activities .This will also look at the international legal framework governing space activities in particular those frameworks that South Africa is a part too or intends to ratify and how those regulation are incorporated in our laws and suggest a way forward.