SPACE LAW IN SOUTH AFRICA

Category: IT Law,Space Law,Technology Law
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In a small town near Sutherland, far away from the bright lights of any big cities, lies the largest telescope in the Southern Hemisphere, the South African Large Telescope ("**SALT**"). SALT has been instrumental in detecting black holes and has even helped show that the expansion of the universe is speeding up. SALT is proof that South Africa has been making great strides when it comes to contributing to international space related research and development, which is why we require a set of laws that ensure we are able to promote economic growth by regulating a burgeoning industry, ensure national security, safeguard the environment, and support the sustainable development of space applications.

Internationally, we have ratified four international space treaties: the Outer Space Treaty, the Liability Convention, the Registration Convention, and the Search and Rescue Agreement. These treaties create the foundation for responsible space activities, with a particular focus on safeguarding the space environment. To get more insight on the Outer Space Treaty, you can read our previous article here.

Nationally, key space laws and policies include: the Space Affairs Act (84 of 1993), the National Space Agency Act (36 of 2008), the National Space Science and Technology Strategy (2008), and the South African Earth Observation Strategy (2007). These laws aim to ensure compliance with the international treaties, while promoting responsible space operations that minimise contamination. This further reflects our commitment to rapid but sustainable development.

Our primary law which sets out the legal framework for space activities, as well as establishes the South African Council for Space affairs ("**SACSA**") is the Space Affairs Act. The main objective of the Act is to create a coherent legal framework for all South African space activities. This includes a system for licensing all national space activities, regulating their operations, and ensuring they are conducted according to the national and international laws that govern them. The Act further facilitates and regulates South Africa's participation in space exploration, together with the

development and use of space technologies.

In terms of the Act, any person or entity in South Africa who wishes to launch a space object; operate a satellite from South African territory; import or export controlled satellite technology; or acquire majority ownership in a foreign satellite company must secure a licence from SACSA. The application for the licence must include a technical dossier, environmental assessment, mission-accurate plan, and proof of liability insurance. Further, the Act empowers the Minister to determine the general policy for space affairs, ensuring South Africa meets its international commitments and responsibilities in the peaceful exploration and utilisation of outer space.

Another key piece of legislation is the Space Agency Act. It established the South African National Space Agency ("**SANSA**") and mandates SANSA to:

- promote the peaceful use of space and ensure space is used for the benefit of all humankind;
- foster industrial development and innovation by creating an environment conducive to promoting research in space science and technology;
- advance our space related scientific and technological capabilities through the development of scientific, engineering, and technological expertise, with a significant focus on inspiring the next generation of space scientists through outreach programmes and STEM education; and
- encourage collaboration with other nations in space-related activities, furthering global partnerships.

Our National Space Science and Technology Strategy, guided by SANSA, aims to shift South Africa from being a consumer in the industry to becoming a producer that can keep up with and even exceed international standards. By leveraging space assets to enhance economic growth, job creation, and sustainability, we can build a competitive space industry that fosters innovation and catapults us into becoming a leader in space science and technology. Read more about it here.

Finally, the South African Earth Observation Strategy, is South Africa's contribution to the Global Earth Observation System of Systems ("**GEOSS**"). It was developed to coordinate an Earth observation system for South Africa. It enables us to provide data that supports national priorities such as climate change resilience, food security, and disaster response. This in turn leads to industrial and economic growth.

Together, these laws, strategies, and institutions form the backbone of South Africa's space governance framework. They not only ensure that our activities comply with international standards but also position us as an emerging leader in space research and innovation on the African continent. As new technologies such as satellite constellations, reusable launch systems, and space mining continue to evolve globally, South Africa's regulatory framework will need to remain agile. A proactive approach to updating legislation and policies will be vital to balance innovation with accountability. This means strengthening environmental safeguards, ensuring data sovereignty and security, and protecting against potential weaponisation or monopolisation of outer space.

Looking ahead, South Africa's challenge, and opportunity, lies in ensuring that our legal, scientific, and technological frameworks keep pace with global developments. By investing in local talent, encouraging international collaboration, and maintaining a strong regulatory system, we can guarantee that South Africa's contributions to space science become globally recognised.