

THE OUTER SPACE TREATY

Category: Space Law

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We're all familiar with that classic interstellar warfare scene – spaceships dodging asteroids, firing lasers, and blowing up planets, all to ensure the preservation of civilization. While this makes for riveting cinema, I doubt many people would enlist in the event of an actual space war. So, it's no surprise that soon after we started launching people into space, we also developed a set of regulations governing space-related activities.

In 1959 the Committee on the Peaceful Uses of Outer Space ("COPUOS") was set up by the United Nations ("UN") General Assembly. The purpose of COPUOS was to ensure international cooperation in peaceful space use, study space-related activities, encourage space research, and investigate legal problems arising from the exploration of outer space. COPUOS gave birth to *The Treaty on Principles Governing the Activities of States in the Exploration of and Use of Outer Space, Including the Moon and Other Celestial Bodies* ("The Outer Space Treaty").

The overarching purpose of the treaty is to ensure that space remains peaceful. To this end, there are several core principles set out in the various articles.

- **Article I** states that all nations, without discrimination of any kind, shall be free to explore outer space, the moon and other celestial bodies. This exploration should be carried out for the benefit of all countries and emphasizes equitable access and benefit derived from space activities for all of humanity. States are encouraged to facilitate international cooperation in exploration and scientific investigation.
- **Article II** firmly establishes that no nation can, by any means whatsoever, claim sovereignty, occupy, or own territory in space.

- **Article III** aims to maintain international peace and security and promote international cooperation by establishing that space activities are governed by international law. This includes the Charter of the United Nations.
- **Article IV** strictly prohibits nuclear weapons or any other kinds of weapons of mass destruction from being placed or used anywhere in outer space in any manner whatsoever. It further forbids the establishment of any kind of military bases as well as the testing of weapons or military manoeuvres. This article reiterates the decree that outer space remains immutably peaceful.
- **Article V** helps ensure that in the event of an accident or emergency, astronauts will be offered all possible assistance, irrespective of their nationality.
- **Article VI** places international responsibility for national activities in outer space. This is regardless of whether such activities were carried out by government agencies or non-governmental organizations. As a result, non-governmental organizations must acquire authorisation from the relevant State Party to the Treaty and that State must continually supervise non-governmental activities.
- **Article VII** mandates that any State launching an object into outer space will be internationally liable for any damage caused to another State or that State's citizens. This includes both absolute liability for damage on Earth and fault-based liability in space.
- **Article IX** deals with the avoidance of harmful contamination. It is imperative that States cooperate and assist each other to ensure that there is no harmful contamination of space or other celestial bodies. Additionally, there should be no adverse changes to the environment of the Earth resulting from the introduction of extra-terrestrial matter. International consultation is required if any space-related activity may have any potentially harmful effects.
- **Articles X, XI, and XII** promote international cooperation. All parties to the Treaty are encouraged to be transparent and inform the UN Secretary-General, the international scientific community, and the public about their space activities. Furthermore, space stations, installations, equipment and vehicles should be open to all States Party to the Treaty on a basis of reciprocity.

South Africa signed the Outer Space Treaty in 1967. [In 2024 we issued a statement at the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.](#) In the statement, we reinforced our commitment to the development of the Outer Space Treaty and the frameworks that stem from

it. It states that "*South Africa firmly supports inclusivity, diversity and representativity in space-related activities...*". Further, "*South Africa continues to uphold its commitment to raising awareness of the legal and political dimensions of space law...*".

While space exploration once seemed like mere science fiction and cinema, it is now an arena governed by a robust legal framework designed to ensure peace, cooperation, and responsible use. The Outer Space Treaty remains the foundation of international space law. It provides essential principles such as freedom of exploration, prohibition of sovereignty claims, demilitarization, environmental responsibility, and international accountability. As a signatory, South Africa's continued commitment to these principles reflects our dedication to a peaceful, inclusive, and cooperative future in space. As humanity ventures further into the cosmos, upholding these ideals is essential.