OVERVIEW OF THE CURRENT SPACE LEGAL FRAMEWORK

6th LUXEMBOURG WORKSHOP
On Space & Satellite Comms Law

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Overview

• INTRODUCTION
  – WHY SPACE

• Primary Space Legislation:

• Governance of space activities in South Africa

• Other Relevant Legislative Framework in SA

• National Space Policy

• International Landscape
S A is increasingly reliant on space-based systems &
Space has increasing applications in our daily lives:
Satellite Applications

Communications and broadcasting

Navigation & Positioning

Disaster management

Natural resource management
Objects of the Act

Section 2, as amended in 1995, mandates the dti to “…determine the policy to be followed in the Republic.”

The policy lays the foundation embedded in the guidelines for participation in the space arena.

Establishes the SA Council for Space Affairs: An advisory function to the Minister of Trade and Industry;
A licensing function for all space related activities;
A registration function for all space capabilities in the Country; and
Compliance measures to fulfil international obligations.
Governance of Space Activities in South Africa

REGULATION, POLICY & OVERSIGHT
Dept of Trade and Industry (the dti)

SPACE AFFAIRS ACT (1993)
Statutory mandate to:
- advise the Minister of Trade and Industry on international obligations and related matters in space affairs;
- authorise and supervise space activities carried out within South Africa or by persons/entities under South African jurisdiction;
- establish and maintain a National Register of domestic space entities; (Launched in 2011 & three space objects registered)
- ensure safety of all space activities.

DTPS
- responsible for satellite communications & coordination as well as notification of all satellite activities with the ITU

Under the DTPS -Regulatory Authority -Independent Communications Authority of South Africa (ICASA)
- responsible for communications regulation

SA is currently finalising its new space legislation to implement the International treaties and take into consideration topical principles
Governance of Space Activities in SA
Space Programme Implementation

National Space Programme Strategy

- The strategy builds on the policy foundation and draws key priority programme areas
- Developed “how to” guides for policy implementation

SA National Space Agency Act (2009)

- Statutory mandate to:
  - Establish the South African National Space Agency (SANSA)
  - To implement the Space Programme as guided by the National Space Policy and Programme Strategy
  - serves as a coordination institutional vehicle (as many institutions were involved in space activities)
**Summary of Relevant Legislative Framework in SA**

<table>
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<tr>
<th>Act</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Space Affairs Act (1993) as amended in 1995</strong></td>
<td>Meet South Africa’s international agreements and commitments in peaceful use of Outer Space</td>
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<td><strong>SA National Space Agency Act 36 (2008)</strong></td>
<td>Supporting the creation of an environment conductive to industrial development in space technologies</td>
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<td><strong>Disaster Management Act of 2002</strong></td>
<td>The establishment of national, provincial and municipal disaster management centers.</td>
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<tr>
<td><strong>Independent Communications Authority (ICASA) Act (2000, 2006)</strong></td>
<td>Regulating telecommunications in the public interest to ensure fairness and diversity of views.</td>
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## Cont .. Summary of Space Related Legal Framework in SA

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<tr>
<th>Act</th>
<th>Description</th>
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<tr>
<td>The Electronic Communications Act of 2005</td>
<td>Convergence of telecommunication and broadcasting regulation-making processes</td>
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<tr>
<td>The Astronomy Geographic Advantage Act of 2007</td>
<td>Provision of measures to advance astronomy and related scientific endeavours in South Africa</td>
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<tr>
<td>SA Spatial Data Infrastructure Act of 2003</td>
<td>Facilitate the capture of spatial information through cooperation among organs of state</td>
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<tr>
<td>The Non-Proliferation of Weapons of Mass Destruction Act, Act No. 87 of 1993 (under the dti)</td>
<td>Establishes the Non Proliferation Council to regulate the proliferation of Weapons of Mass Destruction</td>
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The National Space Policy:

- Provides guidance to all SA stakeholders in space arena (private & public)
- Informs SA participation in space activities
- Promote improved coordination and cooperative governance

Supporting & promoting relevant scientific research

Promote Capacity building

Stimulate Innovation, competition & industrial development
The pursuit of space activities in SA is informed by the overarching principle, that *such activities should contribute to economic growth and sustainable development*.

**6 Guiding Principles: SA commitment**

- Utilise outer space for peaceful purposes
- Develop and maintain a robust and appropriate set of capabilities, services and products
- Ensure SA stakeholders are responsible users of the space environment
- Promote R&D in space science and technology
- Greater levels of self sufficiency and international competitiveness
- Mutually beneficial cooperation with other nations
Space Policy Objectives

Improve coordination in SA space arena

- Improved cooperation with other nations
- Promote capacity building emphasis on HDIs
- Promote greater awareness and appreciation
- Facilitate provision of appropriate and adequate space capabilities

Improved cooperation with other nations

Promote the development of an appropriate, competitive domestic space sector

Create a supportive regulatory environment

Foster a robust science & technology base

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South Africa is a Member of the UNCOPUOS has ratified the following:
- Outer Space treaty and
- Search and Rescue of Astronauts Agreement,
- Registration of Objects Launched into Outer Space (the Registration Convention) and
- Liability for Damage Caused by Outer Space Objects (the Liability Convention)

Member of the International Telecommunications Union (ITU)
- Constitution; Convention & Radio Régulations

- Currently SA is resuscitating its participation in the (UNIDROIT) and applying its mind on the Convention on Interests in Mobile Equipment and its Protocols normally known as the Cape-Town Convention.
- The country is considering undertaking some research to understand the advantages & disadvantages of ratifying the Moon Agreement.
Thank you
Merci beaucoup
Dank je

Comments & Inputs