

Report back on Session 2.2: Capacity building in Space Law and Space Policy

The papers presented are:

- Overview of the implementation status of the five United Nations Treaties on Outer Space in Africa Countries, by JA Van Wyk
- Capacity building in space law, by J. Schneeberger
- The policy and regulatory framework governing space activities in South Africa, by N. Majaja

The first paper highlighted the followings:

The historical developments of the UN treaties on Outer Space

The provisions of the five UN treaties on Outer space (Treaty on principles Governing the activities of States in the Exploration of Outer space, including the Moon and other Celestial Bodies as well as the Agreement on the Rescue of Astronauts, the Return of Astronauts and the objects Launched into Outer Space, Convention on International Liability for Damage caused by space objects and Registration of objects Launched into Outer Space).

Assessment of implementation status in Africa and observed that only few African Countries have acceded to UN treaties; there is low level of African involvement in the activities of COPUOS. The speaker further observed that the ratification of and compliance with UN treaties governing the activities of states in the peaceful uses of Outer Space by African countries would create a level playing field for all actors in space industry.

The speaker therefore recommended as follows:

- Compliance with UN treaties on Outer space
- Enforced ratification of space treaties by all states irrespective of space capability and interest
- Enhancement of national legislation
- Establishment of African Space Agency

The summary of the second paper:

The speaker examined the rationale behind capacity building in Space law and submitted that the Legal Subcommittee of COPUOS in 2007 agreed to a new agenda item theme "Capacity building in space law" particularly in African Countries.

A historical analysis of development of space law with emphasis on the capacity was highlighted. The analysis highlighted efforts of UN, Governments and non governmental agencies in capacity building in space law through workshops, seminars and conferences. The speaker noted that African participation in all UN or other organized conferences is limited to few African Countries.

The speaker recalled the deliberations of UNISPACE III conference of 1999 and other workshops on capacity building, which underscored the need for capacity building for African and other developing nations on issues relating to space law. To ensure that African States participate effectively in the development of space law the speaker recommended as follows:

- African States should take advantage of the ICT Revolution, specifically with reference to distance learning opportunities;
- African States should develop opportunities for networking amongst themselves;
- African States should actively participate in international conferences where Space Law issues are considered; and
- African partnerships in Space Law, including between practitioners, academics and policy makers should be built and strengthened.

The third paper examined various laws put in place in South Africa governing space related activities in South Africa. Some of the provisions of these laws were highlighted particularly Space Affairs Act. The said Act is the primary legislation instrument and establishes the council and authority of Ministry of Trade and Industry to regulate the Earth.

Other legislations:

- Independent Communication Authority of South Africa ACT
- South Africa Maritime Safety Authority Act;
- Aviation Act
- Space Agency Bill
- Spatial data and infrastructure Act

At the end of the presentations there were few questions asked and with the chairman's comment the session observed and made the following suggestion:

(1) Each African Country should always ensure that it is represented at the international, regional and domestic meetings on space law and participate actively by contributing to the deliberations and subsequent development and adoption of the reports of such meetings.

(2) Establishment of focal points at home as well as in the Diplomatic missions those responsible for follow up activities in these activities.

(3) Establishment of African Space law and policy Association.

(4) The session observed that NEPAD have enough resources for e-Africa commission for the development of Information technology (ICT) and African countries should explore the possibility of securing assistance from this fund for capacity building in space law.

(5) The also observed that there is now educational opportunities in Africa as the University of the Witwatersrand now offers Masters (LL.M) and short courses in space and satellite law and is interested in pursuing cooperation opportunities with other African educational institutions. UN African Regional Centre for Space Science and Technology Education in English will be starting short time courses on space law.

(6) The session recommended that African countries should consider funding of capacity building a high priority.

(7) The session recommended that the recommendations of the ALC with regard to capacity building in Space Law should be communicated to the Legal Subcommittee of COPUOS during the consideration of the new agenda item on capacity building. In this regard it was specifically noted that OOSA should be requested to develop a database of fellowship and scholarship opportunities for training in Space Law and that it should be requested to develop a baseline course on Space Law to be made freely available on the internet.