



**Statement by South Africa at the Open-Ended Working Group on reducing space threats through norms, rules and principles of responsible behaviours**

**9-11 May 2022**

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Mr Chairperson,

Allow me to express my delegate's appreciation on your capable and able leadership in the manner in which you are steering our Open-Ended Working Group thus far. We assure you of South Africa's full support as you fulfill your mission.

The benefits of outer space and its exploration for peaceful purposes cover a broad spectrum of areas from agriculture to zoology. Space-based systems deliver information and services that protect lives and the environment, enhance prosperity and security, and stimulate scientific, industrial and economic development. Therefore, preserving outer space for purely peaceful purposes is crucial for development.

The African Union adopted its African Space Policy and Strategy with a view to ensuring space science and technology serve as a key driver for inclusive and sustainable development in Africa. Part of this strategy is the recognition that critical information derived from the use of space-based products and services can contribute to the Continent's efforts towards achieving the Sustainable Development Goals.

Mr Chairperson,

In view of the innumerable benefits provided by the outer space environment, we all need to reaffirm our obligation to ensure that outer space and other celestial bodies remain an area for exclusively peaceful purposes. It is vital that space does not become yet another frontier for war and conflict. Notwithstanding the wasteful expenditure of resources that

this would entail, the weaponisation of space would result in a proliferation of space debris, which remains an issue of concern to all of us, and will undoubtedly undermine international and national security.

An integral component of our efforts to sustain outer space as an area for exclusively peaceful purposes is the need to adopt preventative measures. In order to achieve the widest possible adherence to rules and norms, open and transparent multilateral processes are necessary aimed at ensuring that States can participate without discrimination and on the basis of equality.

Mr Chairperson,

South Africa's National Space Policy determines that the pursuit of space activities in South Africa is informed by the overarching principle that these activities contribute to the country's economic growth and social development and we are guided by the principles of, among others:

- Utilising outer space for peaceful purposes and the benefit of all humankind;
- being a responsible user of the space environment to ensure that all public and private sector activities are conducted in accordance with national legislation, relevant international treaties and appropriate international best practices;
- promoting research and development in space science and technology; and
- co-operation with other nations in mutually beneficial and peaceful uses of outer space, with a focus on extending the benefits of space technology to the African continent through the pursuit of co-operative activities with African countries.

The increase of space debris, **and specifically issue of the intentional creation of space debris**, is also a matter of concern for South Africa due to the **indiscriminate** risk that it poses to space systems, and a consequent risk of disruption of the many space-based services on which we all rely.

**South Africa supports the negotiation of a legally binding instrument at the Conference on Disarmament in fulfilment of the PAROS agenda. A treaty-based approach would bring legal clarity and predictability on the security-related rights**

**and responsibilities of States in outer space. However,** pending the finalization of such a legal instrument, we also supported the establishment of the Open-Ended Working Group on reducing space threats through norms, rules and principles of responsible behaviours. Achieving common understandings and agreement on norms, rules and principles would be complimentary to an eventual PAROS treaty but until such a treaty is concluded, these norms, rules and principles for responsible behaviours could contribute to addressing current concerns and issues.

**South Africa notes that the existing space legal regime already constrains the weaponization of outer space to some extent and we therefore share the NAM position calling for “strict compliance with existing arms limitations and disarmament agreements, and with the existing legal regime concerning the use of outer space”. The OEWG may wish to explicitly reaffirm the applicability of IL to outer space, even as the PAROS aspects of this legal regime may benefit from further development.**

**It is also widely accepted that outer space is already militarized in the sense that modern militaries rely on space backed systems and it is also true that critical civilian infrastructure is increasingly reliant on space systems. Against this backdrop, it would be important for the OEWG to work towards common understandings on the conditions under which IHL becomes applicable to outer space activities and to collectively commit to adhering to IHL under these conditions. There are also precautionary obligations to inter alia review the legality of new means and methods of warfare that are relevant to our deliberations. In this regard, we recall the ICJ determination that IHL is applicable “to all forms of warfare and to all kinds of weapons, those of past, present and future”.**

The objective of our efforts should, therefore, remain maintaining the integrity of space systems, including the physical ground- or space-based systems as well as the intangible peaceful uses products derived from these systems against malicious interference, include kinetic and non-kinetic threats.

In conclusion Mr Chairperson,

South Africa looks forward to continuing the deliberations of this working group in preparation of recommendations to promote the practical implementation of transparency and confidence-building measures in outer space activities with the goal of preventing an arms race in outer space. We would also wish to assure you of our full support in your steering of this working group.

Thank you.