

53rd COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
The Current Status of the Rule of Law with Regard to Space Activities (4)

Author: Dr. Atsuyo Ito
Japan, atsuyo.ito@mofa.go.jp

THE LEGAL ISSUES SURROUNDING THE NEAR EARTH SPACE

Abstract

With the success of Space Ship one, routine civilian access to space is increasingly becoming a reality. Suborbital and orbital flights now occur and, before long, space hotels currently in the course of development will exist. Despite of the fact that activities in the near Earth space are more likely to involve civilians, no rules exist as to potential accidents and the issue of liability in near Earth space. Furthermore, the code of conduct for civilians during the orbital flights as well as on the space hotel is not articulated. A regime is absent to respond, for instance, injury cases that occur on a space hotel. At present, a broad-based international legal regime governing the activities in the near Earth space is absent: the only exception to this is the intergovernmental agreement on the International Space Station, which governs only the activities undertaken on the International Space Station. It is becoming necessary therefore to clarify jurisdictions and set certain guidelines to respond to potential problems. The paper discusses the lawlessness in the near earth space as well as its impact, and then examines the need for a certain legal regime that responds to imminent commercial space operations in the near Earth space.