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EXAMINATION OF LEGAL ISSUES FOR PRACTICAL APPLICATION OF SUB-ORBITAL FLIGHT

Abstract

In recent years, a variety of new space transportation systems have appeared due to diversifying space activities and advancing space transportation technologies. Above all, sub-orbital spaceflight is expected to be used in a range of purposes in the future, such as point-to-point space transportation. By means of this, a number of countries are concerned with sub-orbital spaceflight, and its practical application will be realized in the foreseeable future, while there are still some legal issues before it can be put to practical use. An overview of regulations with a bearing on sub-orbital spaceflight shows that some countries have established licensing systems through domestic laws, whereas others still have no specific regulations for sub-orbital flights. When it comes to Japan, in the light of technological advancements in space develop, the government is discussing about establishment of a legal system for sub-orbital flight in Act on Launching of Spacecraft, etc. and Control of Spacecraft. This paper examines the legal issues that are likely to arise as sub-orbital spaceflight is put into practical utilization; liability for damages of carrying operator, insurances, impact on domestic legislation in other countries, and so forth. Furthermore, this paper also analyzes the measures to establish harmonization between the domestic licensing systems of each country (e.g., exempting ranges licensed by other countries from examination), with reference to the laws and regulations applicable to aircraft. Such a study would contribute to the development of domestic legislation in each country and the establishment of substantive international standards.