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Space law Developments in Asia-Pacific: Diverging national space legislation with regard to the applicability of space law to suborbital flights (4)

Author: Mr. Yoshiaki Kinoshita
Japan Aerospace Exploration Agency (JAXA), Japan

Dr. Naoko, Inaba Sugita
Japan Aerospace Exploration Agency (JAXA), Japan
Mr. Yu Takeuchi
Japan Aerospace Exploration Agency (JAXA), Japan
Dr. Hideyuki Taguchi
Japan Aerospace Exploration Agency (JAXA), Japan
Mr. Akito Hattori
Japan Aerospace Exploration Agency (JAXA), Japan

LEGAL CHALLENGES FOR REALIZING SUBORBITAL SPACEFLIGHT IN JAPAN

Abstract

Momentum for space tourism using suborbital space flight is gradually expanding across the Pacific from the United States, the sanctuary place of entrepreneurship. Some Japanese travel agencies are recently starting to market Virgin Galactic's suborbital space flight as space tourism in Japan. However, as for Japanese developer, it is still far from real operations using an original vehicle. On the other hand, Japanese space community is in a new age of emerging the actors of space operations since the new Space Activities Act, which will establish licensing system for launch and satellite operation has passed the Diet last year. This piece of legislation, a half-a-century dream of space community, certainly brought a new wind so called 'new space'. Industries, notably venture businesses, are increasing their investment for developing new business in space activities and the government displays positive attitude for their supports. Guided by this circumstances, it is also ambitious that the suborbital space flight may have a chance to be established as one of the core elements in Japanese new space industries. Regulating the activities by introducing a license system will have an aspect of providing predictability to the industries. Therefore, the regulation serves to industry promotion in this case. In other words, omission of legislation may raise political risk rate of businesses. At this point of view, the regulations regarding the suborbital licenses in the US play an effective role. The Commercial Space Launch Act of 2004 balanced the FAA's safety requirements and the competitiveness of the industry. ITU, ICAO and UNOOSA already initiated discussions on international regulations of suborbital space flight. There is no exaggeration to say that the momentum of establishing national regulation regarding suborbital space flight is growing recent years. This paper will aim to examine the current legal situation of Japan in initiating suborbital space activities and try to emboss their challenges. Therefore, it will highlight the possible future solutions for encouraging the business development and investment to the industries.