

IAF SYMPOSIUM ON COMMERCIAL SPACEFLIGHT SAFETY ISSUES (D6)
Enabling safe commercial spaceflight: vehicles and spaceports (3)

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CONTEMPORARY IMPLICATIONS OF STATE AUTHORIZATION AND CONTINUING
SUPERVISION TO COMMERCIAL SPACE FLIGHT ACTIVITIES

Abstract

Non-governmental space activities have to be controlled by relevant State through its authorization and continuing supervision according to the Art.6 of the Outer Space Treaty (OST). It should be reminded that all commercial space flights are subject to this requirements from the international law and they are under certain control of a respective State. It is the common understanding that States are responding to that requirement by establishing license or permission systems to non-governmental space flights and controlling those activities through requirements on the review process of licenses and permissions. However, a general question from international law perspective may overwhelm the States by questioning; whether license system is enough for responding to the OST requirements? In fact, the license system defer from the States not only in the levels of their review process, but also in terms of the applicable entities and its activities. Even more, State activities are mostly exempted from the license as those are directly controlled by that State. However, what extent the linkage between the State's act and the launch activity needs to be connected for folding that activity as an act of the State. Would it be in line with the international law if a State procure a service from a third country entity without authorization or supervision from that territorial state? Whether most of the States' licenses include continuous supervision, not only a one shot authorization? How a State can identify a launch activity by a non-governmental entity of their nationality planned outside of their territory? Furthermore, what is the concrete interpretation of "authorization and continuous supervision" of Art. 6 of OST? Do the States have common understandings or at least certain level of common practices in this regard? What are the gaps between the requirement of the international law and the State practices? How those gaps can be filled? By answering the questions above, this paper will approach to the existing gaps of the State practices and the requirement of the international law relevant to the safety of commercial launch activities.