

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
National space law and security – an update (5)

Author: Dr. Feng-Tai Hwang
National Space Organization, Taipei

A STUDY OF THE FIRST TAIWAN'S SPACE LAW- SPACE DEVELOPMENT BILL

Abstract

Taiwan's National Space Organization (NSPO) was established in 1991, marked the official start of Taiwan's space development. FORMOSAT-1, launched in 1999, was Taiwan's first owned satellite, followed by the launch of FORMOSAT-2 and FORMOSAT-3 in 2004 and 2006, respectively. Unfortunately, the studies of national space law has never received the attention of NSPO and domestic international law scholars. Until 2013, some legislators called on NSPO to start the research work of space laws so that Taiwan began to pay more attention to this issue. In 2019, the controversy caused by a sounding rocket launch conducted by a domestic commercial company in Taiwan caught the eye of many Taiwanese media and the public. Through this event, the public recognized that Taiwan has no laws or regulations related to space activities, especially for rocket launch. In fact, no national space law has created many obstacles to Taiwan's space development. In response to this situation, the Ministry of Science and Technology (MOST), which is responsible for space development Taiwan, began to draft of the Space Development Bill (SDB). The Executive Yuan of Taiwan officially passed this SDB draft on February 18, 2021, and then sent it to the Legislative Yuan for further legislative work, which marks an important milestone for the history of Taiwan's space development. Through the SDB, Taiwan declares its position on the development of space science and technology based on peaceful use and in accordance with the principles of the international space laws. On the other hand, except for demonstrating the government's determination to promote the space industry internally and it further shapes Taiwan's image as a responsible space state externally to the world. The draft of this SDB includes six chapters and twenty-two articles, and main contents are: 1. The basic principles for Taiwan's space development; 2. The competent authority and management for space activities in Taiwan; 3. Liability and investigation for damages caused by space activity's accidents; 4. Establishment of the national satellite launch site; 5. The responsibilities of government to promote the space industry. This paper first introduces the space development in Taiwan, and then describes the history and background of the development of Taiwan's national space law, and finally illustrates the contents of the SDB, especially focusing on the mechanism of ensuring space security and sustainable development in the process of Taiwan's space development.