

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Near Space: Legal Aspects of Aerospace Activities (2)

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CURRENT INTERNATIONAL AND NATIONAL LEGAL REGIME ON SUBORBITAL FLIGHT

Abstract

In the space sector, private activities in launches and space missions is becoming more and more common. While South Korea's Innospace accomplished a test launch of their suborbital rocket HANBIT-TLV in March 2023, the US company SpaceX has been developing and testing reusable launchers for a number of years. In anticipation of an increase in activities including activities in airspace and outer space or travels surrounding boundaries, the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) has been bringing up legal concerns pertaining to aerospace objects since 1992 and collecting member States perspectives using a questionnaire. Regretfully, the questionnaire and the discussions under the UNCOPUOS have been no progress after 2009. Even though discussions for establishing international legal framework are not continued, each states and private companies are working on the development for suborbital flights perspectives on technologies as well as policies. Thus, this paper will first cover the definitions of suborbital flight and aerospace object, and then examine the current international and domestic, especially Korean, legal regimes for supervision of suborbital flights. This will specifically examine the sections of South Korea's Fourth Space Development Promotion Basic Plan that expressly include suborbital flight launches. Then, this paper will discuss the current status of relevant space technologies and their development in order to identify issues with the current legal framework and propose a way forward.