A Regional Initiative for Studying the Status of National Space Laws

Ikuko Kuriyama
Koichi Kikuchi
Takashi Iwai
Yoko Kagiwada

International Relations and Research Department
Legal and Compliance Division, General Affairs Department
Japan Aerospace Exploration Agency (JAXA)
Purpose of the research:

- To study how a new regional approach may enhance legislation or implementation of the national space laws and regulations through the “National Space Legislation Initiative (NSLI).”
- NSLI is a new and the first initiative regarding the space law under the Asia Pacific Regional Space Agency Forum (APRSAF).
- This research was conducted by NSLI secretariat members.
- It covers the progress of NSLI activities, which the duration of work is until 2021.

Contents:

- Background of the NSLI
- Analysis of the status of national space law development in the Asia-Pacific Region
- the work of NSLI and its implementation
- Analyses of the report of the NSLI
- Evaluation of the significance and implication of the NSLI
- Conclusion
1. Background
Building Space Policy Community in the Asia-Pacific

- **APRSAF-24@ Bangalore** (Nov, 2017)
  - Space Policy Session at Plenary

- **Inter-Regional Space Policy Dialogue between Asia-Pacific and Europe@ UNCOPUOS** (June, 2018)
  - Space Policy Session at Plenary
  - Social gathering among space policy practitioners
  - Side Event at ESPI

- **APRSAF-25@ Singapore** (Nov, 2018)
  - Side Event at ESPI

- **Second Inter-Regional Space Policy Dialogue between Asia-Pacific and Europe@ UNCOPUOS** (June, 2019)
  - Space Policy Practitioner’s WS at ESPI

*Initiation of activity*  
*Initiate policy dialogue with Europe*  
*Strengthening the networking among practitioners*  
*Active discussions & networking at various levels*
NSLI offers the first joint activities among space law practitioners in the region. Proposed at the Space Policy Practitioners Workshop and welcomed by plenary during APRSAF-26, 2019.
2. The Development of the National Space Legislation in the Asia-Pacific Region
Establishment of Space Agencies (2014–)

- Turkey Space Agency (in 2018)
- Bahrain National Space Science Agency (in 2014)
- Saudi Space Agency (in 2018)
- UAE Space Agency (in 2014)
- Philippines Space Agency (in 2019)
- Malaysian Space Agency(*) (in 2019)
- Australian Space Agency (In 2018)
- New Zealand Space Agency (In 2016)

(*)Malaysian Space Agency was formed through merging of ANGKASA (former space agency in Malaysia, established in 2002) and Malaysian Remote Sensing Agency
Space Policy in the Asia-Pacific Region

Establishment of Basic Space Technology
(R&D, Satellite Development, Data Analysis)

Promotion of Space Application
(Contribution to areas such as Policy making, Societal Issues, SDGs)

National Security
(Food Production, Disaster Management, SSA, MDA, etc.)

Promotion of Space Industry

Capacity Building

International Cooperation
Establishment of National Space Law
(Examples)

- National space law established
  - UAE (in 2019)
  - Japan (in 2016)
  - New Zealand (in 2017)
  - Australia (in 1998, 2018)
- Under Preparation for establishing space law
  - Philippines (in 2019)
  - Thailand (Under consideration)
  - India (Under consideration)
  - Korea (in 2005)
  - Malaysia (Under consideration)
  - Indonesia (in 2013)
  - India
  - Thailand
  - Indonesia
  - Malaysia
  - UAE
  - Japan
  - New Zealand
  - Australia
3. The Work of the NSLI and its Implementation
National Space Legislation Initiative

- Study group among space law/policy experts in Asia-Pacific Region
- Membership is open to national governmental organizations in Asia-Pacific Region

- Promote information sharing/mutual learning on national space legislation/policies in Asia-Pacific region
- Enhance capacity to draft/implement national space legislation/policies in Asia-Pacific region

Report to be submitted to UNCOPUOS LSC in 2021
Output is also reported to APRSAF annual session in 2021

17 national governmental organizations, 40 members from 9 countries in the Asia-Pacific region
Topics Discussed under NSLI

Referring to the recommendations on national legislation relevant to the peaceful exploration and use of outer space (A/RES/68/74), the topics discussed in NSLI are as follows:

- **Scope of Space Activities**
- **National Jurisdiction**
- **Authorization by National Authority**
- **Consistency with international obligations**
- **Continuing supervision and monitoring of authorized space activities**
- **Registration of launch objects**
- **Liability of damage**
- **Transfer of ownership**

Above information is submitted from NSLI members through “information form” (refer to next slide)
Operation of NSLI

- **Co-chairs:**
  Prof. Setsuko Aoki, Professor of Keio University Law School
  Dr. Dao Ngoc Chien, Deputy Director General, Department of High Technology of Vietnam Ministry of Science and Technology (MOST)

- **Secretariat:** JAXA

- **Duration:**
  Until the submission of the report to this annual session of APRSAF in 2021 (further advancement of NSLI is also considered)

- **Operation:**
  Considering COVID-19 situation, the Study Group holds a monthly teleconference (7 teleconferences had been held so far).
  Discussions are based on the “information form,” submitted from the member organizations. About 30 participants from the 9 countries, each teleconference lasts for 2-2.5 hours.
4. The Report on the Status of the National Space Legislation in the Asia-Pacific Region
List of Questions (1/2)

Based on the recommendations on national legislation relevant to the peaceful exploration and use of outer space (A/RES/68/74), the questions raised in the information form are as follows:

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<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>What kinds of space activities have been conducted in your county? (By government agencies, private entities, research institutes, and/or laboratories.)</td>
</tr>
<tr>
<td>2</td>
<td>Is there an independent space agency in your country? Is there any national legislation to establish such agency?</td>
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<tr>
<td>3</td>
<td>Has your country become a party to the five UN treaties on outer space?</td>
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<tr>
<td>4</td>
<td>Is your country a member of COPUOS?</td>
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<td>5</td>
<td>Does your country submit national registry information to the UN?</td>
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<tr>
<td>6</td>
<td>Does your country have any independent national legislation concerning space activities?</td>
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<tr>
<td>7</td>
<td>Does your country have any laws governing the control and management of radio wave allocation?</td>
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<tr>
<td>8</td>
<td>Does your country have any laws governing export control?</td>
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<tr>
<td>9</td>
<td>Are there any universities or other laboratories in your county that operate or are planning to operate satellites?</td>
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<tr>
<td>10</td>
<td>Has your country, including private entities, launched any satellites from other countries? Are there any licenses required in your country?</td>
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### List of Questions (2/2)

<table>
<thead>
<tr>
<th>Question Number</th>
<th>Question</th>
<th>Note</th>
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<tbody>
<tr>
<td>11</td>
<td>Does your county, including private entities, have or plan to have any launch sites within its territory? Are there any national legislations for these launch sites?</td>
<td></td>
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<tr>
<td>12</td>
<td>Does your country including private entities launch or plan to launch rockets, including suborbital rockets? Are there any national legislations for these launch sites?</td>
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<tr>
<td>13</td>
<td>If a private entity intends to launch a launch vehicle or satellite, is TPL mandatory in your county?</td>
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<tr>
<td>14</td>
<td>In relation to question 13, does your country have a governmental indemnification mechanism for private entities with regard to compensation for damages that they incur?</td>
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<tr>
<td>15</td>
<td>What kinds of legal measures have been taken with regard to space debris mitigation in your country?</td>
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<tr>
<td>16</td>
<td>If your country has legislation for &quot;Space commercialization&quot; related to Question 6, what is regulated in the legislation</td>
<td></td>
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5. Evaluation of the Significance and Implication of the NSLI
Significance of the National Space Legislation Initiative

Regional Perspective

Enhance space law capability for contributing to regional issues

✓ Enhancement of space policy/law capability through knowledge sharing
✓ Creating platform for cooperation in solving regional issues

International Perspective

Contribute to sustainability in space activities, stable use of space resource

✓ Promote national space policy/law in line with international regimes such as: “Recommendations on national legislation relevant to the peaceful exploration and use of outer space” (Adopted by UN General Assembly 2013), “National legislation relevant to the peaceful exploration and use of outer space” (UNCOPUOS LSC agenda), “LTS Guidelines” (Adopted by UNCOPUOS 2019)
Contribution to the UNCOPUOS/LSC:

✓ Agenda item “national legislation relevant to the peaceful exploration and use of outer space”

✓ 2013 General Assembly Resolution titled “Recommendations on national legislation relevant to the peaceful exploration and use of outer space” (A/RES/68/74)

NSLI updates on:
- Newly established national space legislation
- Relevant practice and analysis of existing national space legislation

Submitted to UNCOPUOS/LSC

Valuable reference to the Member States
2nd Point: Regional Space Cooperative Mechanism

Strengthening regional mechanisms which are effective and important for promoting space activities:

(ref). UNCOPUOS LSC agenda item “review of international mechanisms for cooperation in the peaceful exploration and use of outer space” (2013 to 2017) (its outcome report, A/AC.105/C.2/112 (13 April 2017))
3rd Point: Implementation of the Outer Space Treaty

Knowledge sharing of state practices through NSLI

Improvement of national mechanisms for authorization and supervision in space activities

Implementation of Outer Space Treaty

(ref) Responsibility of States in Outer Space Treaty (Art VI)

Space activities by governmental agencies

Space activities by non-governmental agencies
6. Conclusion
Conclusion

- NSLI provides an effective regional model for enhancing legislating and implementing national space laws.

- Unique features include:
  - Community building among the space law/policy practitioners in the region for future discussion on common regional issues.
  - Mutual learning of states’ practices through exchanging information using a common format.
  - Joint analysis and drafting a report on the status of space-related laws in the region.
  - Direct contribution to the UN agendas and global space community.

- APRSAF will continue to promote the mutual understanding of national laws and regulations in the region to contribute to the regional development of space activities and society.