

New Developments in National Space Law and Policy in Japan
Toshio Kosuge(UEC,Japan)

1. In 1969, the resolution on principles of exploration and exploitation of outer space was passed in the Japanese Diet. It clearly mentioned that any space development and utilization of outer space should be exclusively for peaceful purpose. NASDA (now JAXA) was also established based upon the same principles of the public law. ^{Japanese Space Exploration Agency.} Japanese interpretation of Space Treaty and other related international agreements has been stricter to peaceful use of outer space because of framework of Japanese Constitution.

Through more than 35years of space activities, Japan has developed new legislation and policies to regulate and also facilitate space activities in both public and private sectors.

2. Space policy and security in Japan

Since 1950s' developments of space activities by space powers, space activities have been closely related with national security and defense. However, in Japan we have had quite strict approach to space activities in relation with national security.

In 1969 Resolution on principles of exploration and exploitation of outer space was adopted in the Diet at the time of new legislation of establishing NASDA, because of being afraid of military use of outer space. In this resolution it mentioned that space activities as strictly peaceful purpose.

In 1962 UN General Assembly adopted the Resolution No.1802 on peaceful use of outer space. Among space powers they have had common interpretation of peaceful use of outer space as non-aggressive. However, in Japan in the process of the Resolution of the Diet, they interpreted the UN Resolution as non-military use in stead of non-aggressive. Consequently Japanese Self Defense Force has been restricted to get involved in space utilization. *no military use, development.*

After 16 years of the Resolution, when Japanese Maritime Defense Force

equipped its fleet with US military satellite communication receiving stations, Japanese government made interpretation of peaceful use of outer space to make it possible to use military satellite communication system which has been commonly used within the framework of peaceful use.

In August, 1998, North Korea's launching of missile over Japanese territory into the Pacific Ocean, gave tremendous impacts on Japanese government and the public. Japanese government made quick political decision to develop information collection satellite systems including military information. However, these incidents related with national security and defense did not have any clear documents and references directly related to Self Defense Force within the framework of information collection satellite systems.

In December 1998, Japanese government cabinet decision mentioned that the main purpose of information collection satellite system was to collect information for crisis management of national security in diplomatic and self defense issues. Although government ministries concerned should bear roles in crisis management, Self Defense Force was not included in these activates so far. As far as information collection satellite systems are commonly used, it could be generally accepted that Self Defense Force could use them within the framework of the Diet Resolution.

3. Japanese space policy and change

After reorganization of Japanese government ministries in 2001, Japanese space policy has been under discussion and improvement for future development of space activities. In Japan space policies have been elaborated by the Space Development Committee based upon Space Development Policy Outlines and Space Development Plan. The Committee was established in 1968 by the public law under the Prime Minister's Office, headed by the Minister of Science and Technology. This Committee was the supreme organ for space policy making in the government ministries in Japan.

Japanese space development program has been carried out based on the Space Development Policy Outline and annually revised Space Development Plan with cooperation and collaboration among ministries concerned. According to these Outlines they mention only space utilization

in relation with national security as far as within scope of peaceful purposes.

In relation with Space Development Plan, consecutive failures of launchings and malfunction satellites gave serious effect on space development plan, including weather satellite, MTSAT, and H-II launchers.

Space Development Plan was delayed because of H-II launching failures.

4.: Mid and long term space development strategy in Japan

After the restructuring ministries and other government organs, space policies in Japan are under comprehensive examination and revision. In 2001, Ministry of Education and Science and Technology Agency were merged into Ministry of Education and Science, Science and Technology Council was reorganized into Integrated Science and Technology Council. Space Development Committee is now under Ministry of Education and Science not under Prime Minister's Office to discuss only Jana's development. At the same time three organizations, NASDA, NAL and ISAS were merged into JAXA. In these circumstances it would be important to look into the following issues for future Japanese space policy making.

- 1) long time concerned issue on national security and space utilization
- 2) financial issue of space development
- 3) organizational issue of space development after Space Development Committee

5. Integrated Science and Technology Council

The former Science and Technology Council was an advisory organ under Prime minister and administered by Science and Technology Agency. The new Integrated Science and Technology Council is under the Cabinet Office covering not only natural science but also human and social science. This Council is strengthened its functions and supported by more than 100 staff to give any opinion to the prime minister.

In October 2001, Special Investigation Committee on Space Development and Utilization was established by Integrated Space Development Council. The committee should make research and investigation for strengthening competitive power of the space industries in Japan and for improving the quality of life of Japanese people by using outer space and give the report to the Council.

6. Future Space Policy and issues concerned

Through the restructuring and reorganization of the space related organs and institutions, Japan is still on going examination and improving space policy. We could point out several issues to be discussed.

1) national security issue

As far as Self Defense Force could use satellite communication system as commonly used like information collection satellite at the crisis management of national security and self defense. Even though, national security issue could not go beyond the 1968 Diet Resolution yet.

2) financial issue

Space Development Plan should be expanded to even manned space flight in future with financial support not only government, public sectors but also private sectors.

3) organizational issues

There is no permanent organ for giving continuous advice on space policy like Space Development Committee. It would be necessary for Integrated Science and Technology Council to have collaboration with Space Development Committee of Ministry of Education and Science and further discussion on the fundamental issues of space development and utilization of outer space.

One of the main purposes of the government restructuring and reorganization is to overcome the barriers among ministries and institutions. In space legislation and policy making there should be integrated space development plans with cooperation and collaboration among different government organization and even private sectors under national strategy on space development. During the discussion of Special Investigation Committee on Space Development and Utilization Japan should elaborate long term national strategy on space development for 50 or 100 years.

7. Through analyzing Special Investigation Committee Report, as mentioned above, there is no standing committee for elaborating national space development policy like former Space Development

Committee. There should have new Space Development Outline for new space development plan or any other fundamental documents for future space development policy. Which organ should be the coordinating and integrating role among different government organizations? Who will finance space development plan? How to make better solution for issue of national security and peaceful use? It would be not so easy to find the appropriate answer under the present on going restructuring and reorganization period. We are sure to elaborate space policy and new legislation for space developments in Japan.

References

1. Space Law, ed. Cuougakuin Univesity Local Government Research Center, 1999, Maruzenn Planet
2. Diet Resolution on Space Development and Use of Outer Space, Resolution of House of Representatives, May.8,1969
3. Cabinet Decision on Introduction of Information Collection Satellite,Dec.12,1998