

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
A new look at (how far are we with) Space Traffic Management (3)

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LEGAL INCENTIVES OF THE STATES OF SHARING DATA FOR STM

Abstract

The realm of space traffic management always brings its discussion to a sort of complexity because it is a topic at the crossroad of national and international issues. Looking from the international point of view, the issue needs to be translated as the obligations and components of “authorization and continuing supervision” (article 6 of the Outer Space Treaty) as well as “jurisdiction and control” (article 8 of the Outer Space Treaty) over the space object. On the other hand, the rules and regulations to ensure safe and sustainable space activities, which seem to be the main component of STM regulatory issues, are merely technical standards mainly growing in national practices. This comparative structure can also be reflected to the crossroad of the regulations applicable to the behavior of the States and the regulations of actual operations. Thus, in order to achieve global STM, it is crucial to untangle this enmeshed circumstance, and establish individual approaches for each target actions. This paper deals with the States as target and tries to find the way of incentivizing them formulating data sharing scheme for STM approaching from the international law. It is safe to say that the States are reluctant by nature of controlling or regulating the outer space as a common area since they are not expected to hold any sovereignty nearby. However, it can be considered that the States retain obligation of due regards for avoiding harmful interference of the activities of other States interpreting the article 6, 8 and 9 of the Outer Space Treaty based on the general principles of international law. Furthermore, this obligation may be reinforced by the obligation of prevention or precautionary principles. The goal of this paper is to elaborate the rationale and identify the components of the international obligations that States are supposed to take actions of sharing data for safe and sustainable space operations, so that those obligations may serve as the incentives to the States to further control and supervise the non-governmental space activities in their jurisdiction.